



west virginia department of environmental protection

Office of Legal Services
601 57th Street, SE
Charleston, WV 25304
Phone: (304) 926-0460
Fax: (304) 926-0461

Austin Caperton, Cabinet Secretary
dep.wv.gov

Jason Wandling
jason.e.wandling@wv.gov

November 22, 2019

Lilian S. Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
United States Environmental Protection Agency

Subject: EPA Complaint No. 03R-19-R2

Dear Director Dorka:

Please allow this to serve as the West Virginia Department of Environmental Protection's ("WVDEP") response to your letter of October 17, 2019. That letter notified the WVDEP that your office accepted for investigation an administrative complaint filed by the Rural Agricultural Defenders ("RAD") and two individuals. The complaint alleges that WVDEP and other governmental entities discriminated against African American descendants of those buried at the Boy Carter Memorial Cemetery in Kearneysville, West Virginia. As shown below, the WVDEP denies those allegations and asserts no evidence of any discrimination exists.

After receiving your October 17 letter, the WVDEP submitted a Freedom of Information Request to obtain a copy of the complaint in this matter. The Complaint is 146 pages long and most of the allegations contained in the complaint are directed to other entities. The WVDEP will not, at least in this initial response, address claims advanced against other entities. Further, the WVDEP reserves the right to more fully brief its opposition to the complaint in this matter should your office continue to pursue the claims after considering this initial response. As you are aware, this initial response is due within 30 days of receipt of the October 17, 2019 letter and a more thorough response will require additional time.

I do not believe, however, that such a response will be necessary. The basic facts and timeline of the complaint at issue do not support a finding that the WVDEP discriminated against African American descendants of those buried in the Boyd Carter Memorial Cemetery and, instead, show that the procedural safeguards provided by the EPA-approved general permit registration process, and its attendant notice and comment provisions, at issue in this matter

Promoting a healthy environment.

adequately protected the civil rights of the African American descendants of those buried in the Boyd Carter Memorial Cemetery.

The WVDEP issued this registration pursuant to its Stormwater Associated with Oil and Gas Related Activities general permit, which was issued on May 13, 2013. The WVDEP published notice of the proposed registration in a local newspaper, The Martinsburg (West Virginia) Journal, on January 25, 2019. That notice is attached to this Response as Exhibit One. An elective public hearing, which was included in the January 25, 2019 call for written comments on the registration, was scheduled for February 25, 2019, but was subsequently cancelled due to security concerns raised by the venue. Please see email correspondence between WVDEP and the City of Ranson, West Virginia, attached to this Response as Exhibit Two. The public hearing was *not* required by West Virginia law and was elective.

The WVDEP received written comments on the proposed registration. All comments received by the WVDEP are attached to this response as Exhibit Three. The WVDEP received numerous written comments. *None* of the written comments mentioned the Boyd Carter Memorial Cemetery or concerns that the proposed project would jeopardize the cemetery. None of the identified-Complainants in this matter submitted a written comment to WVDEP during the public notice and comment period that mentioned the cemetery.

The WVDEP prepared a Responsiveness Summary to the public comments received and issued its Responsiveness Summary on March 29, 2019. That Responsiveness Summary is attached as Exhibit Four. No mention was made of the Boyd Carter Memorial Cemetery in the Responsiveness Summary because no comment regarding the cemetery was received.

Further, in accordance with West Virginia law, the WVDEP notified the West Virginia State Historical Preservation Office, the agency tasked with protecting historical areas like that Boyd Carter Memorial Cemetery, that a project registration was slated to begin construction in the area. Please see email from WVDEP employee Sharon Mullins to, among others, Susan Pierce of the West Virginia State Historic Preservation Office (“WVSHPO”), attached as Exhibit Five. The WVSHPO did not submit a comment to the WVDEP that alerted the agency to the existence of the Boyd Carter Memorial Cemetery and the WVDEP did not receive any information to suggest that the Boyd Carter Memorial Cemetery was in jeopardy because of the Mountaineer Gas project.

Upon information and belief, WVDEP permit engineer Rick Adams first learned of the cemetery, via telephone and emails, during the week of April 22, 2019. Please see emails attached as Exhibit Six. He notified Mountaineer Gas that someone claimed the cemetery was near the construction project. He was assured by Mountaineer Gas that the cemetery was not in jeopardy.

Turning to the actual facts of this dispute, the cemetery is plainly located across an established right-of-way that includes a regularly-used and maintained road. The Mountaineer Gas project is located outside the cemetery. The Storm Water Pollution Prevention Plan & Groundwater Protection Plan submitted to the WVDEP describes the project location:

“The overall project involves the installation of an approximately 2.54-mile-long, 8-inch diameter medium density polyethylene natural gas distribution line. The project includes access roads, 17.85 acres entirely within the Department of Highways Right-of-way [sic] and 13.49 acres of private Right-of-way [sic] (ROW). The total limit of disturbance (LOD) for the overall project is 31.34 acres, including temporary workspace.” SWPPP&GPP at 1-2. No construction work or other disturbance took place within the boundaries of the Boyd Carter Memorial Cemetery.

Further, there is no evidence that the construction work for the pipeline, which is now complete, disturbed any human remains or other archeological objects. In short, there is no evidence that any graves were disturbed or that any graves were ever in danger of being disturbed.

A local citizen, [Ex. 6 Personal Privacy (PP)] filed an appeal of this registration with the West Virginia Environmental Quality Board ("WVEQB") on April 29, 2019. His appeal is attached as Seven. His appeal did not advance any allegations related to the Boyd Carter Memorial Cemetery.

The WVEQB dismissed [Ex. 6 Personal Privacy (PP)] appeal, upon motion to dismiss filed by intervenor-registrant Mountaineer Gas, by final order on October 17, 2019. The EQB found that the WVDEP properly accepted and responded to public comment on this registration in accordance with West Virginia notice and comment law. Final Order attached as Exhibit Eight at 7. The EQB also found that the registrant and WVDEP properly consulted with the United States Fish and Wildlife Service in conformity with the Endangered Species Act. *Id.* at 8.

In sum, the WVDEP could not have discriminated against African American descendants of those buried at the Boy Carter Memorial Cemetery in Kearneysville, West Virginia because the agency followed EPA-approved laws regarding notice and comment procedure for the approval of general permit registrations. Furthermore, the WVDEP was not informed, during the registration process, that the Boyd Carter Memorial Cemetery was allegedly imperiled by construction pursuant to the registration. No commenters submitted any information to WVDEP that the cemetery was allegedly at risk. Significantly, none of the identified Complainants in this matter raised the issue with WVDEP during the registration process and no descendants of anyone buried in the Boyd Carter Memorial Cemetery notified the WVDEP that they had concerns about the cemetery. Because of the foregoing, the WVDEP respectfully requests that this Complaint be terminated by USEPA OGC ECRCO.

With regard to specific legal theories advanced, by the Complainant, the WVDEP submits the following preliminary responses. The agency reserves the right to further develop its response to these claims in the event the USEPA OGC ECRCO determines it will continue to pursue this Complaint.

The Complaint does not allege any intentional discrimination by the WVDEP against the Complainants. Accordingly, the WVDEP will limit its response to the issue of disparate impact. Each of the Complainants claims are addressed in turn below.

Broadly speaking, the Complainants allege that the WVDEP's permit registration process caused a disparate impact against African American descendants of those buried at Boyd Carter Memorial Cemetery. The Complainants do not base this allegation upon any statistical or comparative evidence, but simply argue that because the Mountaineer Gas Route 9 Extension pipeline was installed near the Boyd Carter Memorial Cemetery, that the Recipient's process has had a disparate impact.

Disparate impact requires that a particular practice disproportionately impact a protected class pursuant to Title VI. The Recipient is unaware of any evidence to show that its processes cause any unequal result against any Title VI protected class. In fact, there is no evidence *whatsoever* that a Title VI protected class was adversely impacted. Further, there is no evidence to support a finding that a Title VI protected class was impacted in *any way*.

The core of the Complainants' argument is that the construction of the Mountaineer Gas Route 9 Extension pipeline caused a "possible disturbance or removal of burials" and that the West Virginia State Historic Preservation Office (WVSHPO) should have performed an archeological survey. Complaint at page 35. The Complainants blame the Recipient for a "lack of oversight" of the WVSHPO.

It is unclear, however, under what authority the Complainants believe that the Recipient can oversee the WVSHPO's activities. Pursuant to the Program, the Recipient is required to give notice to the WVSHPO of proposed activity. 47 C.S.R. § 10-12.1.c.1.C. As shown above, the WVDEP did so. Since the WVSHPO is an office within an entirely separate Department of the State of the West Virginia, the Recipient lacks the authority to oversee or otherwise control the actions of the WVSHPO. As shown above, the WVSHPO did not submit any comment or information to the WVDEP that indicated the presence of a cemetery in danger or that the registration should be denied or modified in order to further protect the cemetery.

Although the Complainants argue that the construction activities possibly caused a disturbance or removal of burials, they do not mention the fact that the Mountaineer Gas Route 9 Extension was installed on the opposite side of Granny Smith Lane from the Boyd Carter Memorial Cemetery. Further, there is no evidence that any graves were disturbed during construction.

While the cemetery abuts the northern side of the roadway, the pipeline was installed on the southern side. Complainants' Exhibits HH and LL, pages 112 and 122, respectively. The Complainants included in their Complaint a document for "Ground Penetrating Radar Results" from a report created by GPRS, Inc. for the organization Jefferson County Vision. Complainants' Exhibit E. That document shows markers, purportedly for "Potential Graves," "Potential Voids," and "Visible gravestones but no GPR data indicating burial/void." All such markers are on the opposite side of the roadway of where the pipeline was installed.

1. Complainants' First Claim: "The permit applicant provided incorrect mapping and documentary easements; WVDEP failed to check their veracity or accuracy."

The WVDEP is not authorized by law to "check the veracity" of mapping or easement information that is provided to the agency when applicants submit registrations pursuant to the general permit at issue. Indeed, it would be utterly impossible for the agency to review each registration application to determine that mapping is entirely correct. Further, it is similarly utterly impossible for the agency to check the validity of easements in this context. In order to perform such activities, the agency would, first, require statutory authority to do so. But even if the agency were so charged, the number of permit reviewers and attorneys required to do such checks would render the registration process impossible. The agency employs approximately seven attorneys and even if all of those attorneys devoted 100% of their time to writing title opinions for general permit registrations, there is simply no way the work could be performed in a timely and precise manner. Lastly, a failure to perform duties not prescribed by West Virginia law regarding mapping and easements cannot, *a priori*, constitute an infringement upon the civil rights of African American descendants of those buried at Boyd Carter Memorial Cemetery where none of the alleged mapping or easement issues were raised during the registration notice and comment period. Simply put, there is no evidence to support a finding that WVDEP violated any laws whatsoever during the registration process for this construction.

2. Complainants' Second Claim: "The permit applicant proposed and then used illegal construction standards; WVDEP failed to notice that the pipeline would be installed in prohibited areas."

The WVDEP is at a loss to respond to this claim. The Complainants note in the introduction to this argument that "the WVDEP permit reviewer's role is limited." Complaint at 30. The Complainants appear to allege that sediment controls were placed "in an entirely prohibited area" without providing any evidence of that. Further, there was no reason for WVDEP to specifically direct Mountaineer Gas to make any such changes because there were no indications – and there are still no such indications – that any construction took place in the Boyd Carter Memorial Cemetery. The Complainants do not raise a single iota of evidence that the controls required by the registration in this matter somehow failed to protect the area, including the cemetery, from environmental degradation.

3. Complainants' Third Claim: "WVDEP prevented public input during the permitting process and hid the details of the revised pipeline route until it was too late."

This claim is false on its face. As shown above, the WVDEP complied with state notice and comment statutes and rules when it granted the general permit registration at issue in this matter. There is no evidence that anyone, including the identified-Complainants, raised the issue of the Boyd Carter Memorial Cemetery during the notice and comment process undertaken for this registration.

Instead, the WVDEP provided an opportunity for the public to comment on the registration application in conformity with the applicable rules on public notice and comment. Under West Virginia's National Pollutant Discharge Elimination System (NPDES) Program, public notice as a Class I legal advertisement must be published in the newspaper with the largest circulation for the county where the discharge will occur. 47 C.S.R. § 10-12.1.c.2. Pursuant to that program, any interested person has the right to submit comments and the Recipient must issue a response to comments. 47 C.S.R. § 10-12.2 and 12.5.

The required Class I legal advertisement was published in the Martinsburg Journal on January 25, 2019, as shown above. That legal advertisement included all the necessary information under the NPDES Program. 47 C.S.R. § 10-12.1.d.

The legal advertisement in this matter specified a time and location for a public hearing on General Permit Registration Application No. WVR311281. Prior to the hearing, however, the Recipient was contacted by the Chief of the Ranson Police Department. The Chief informed the Recipient that he could not guarantee the safety of the Recipient's employees at this public hearing. Given this concern, the Recipient canceled the public hearing prior to the end of the public comment period, and interested persons continued to be able to submit written public comments. No commenters were discouraged from submitting a written comment.

The Complainants also assert that the WVDEP somehow "hid the details of the revised pipeline route until it was too late" without offering any evidence. As with any registration, changes occur during the permitting process. Here, however, no such changes were substantive and absolutely no such changes were related in any way to the cemetery at issue. Indeed, any subsequent changes to the registration at issue instead ensured the project would be safer for the area around the construction.

In conclusion, the role of the WVDEP in this matter was to review the application, and its accompanying documents, for the registration under the Oil and Gas Construction Stormwater General Permit. In reviewing such applications, the WVDEP verified that the application and accompanying documents contained all of the necessary information, that the plan was adequately designed to prevent harmful discharges, and that all other rules pertaining to stormwater were followed. In this case, Mountaineer Gas provided all of the necessary information and upon review, the WVDEP was satisfied that the construction activities would not lead to harmful stormwater discharges. Further, the WVDEP complied with the letter of West Virginia law on notice and comment for such a registration.

Finally, as a matter of basic fairness, the WVDEP cannot be held to have unlawfully discriminated against African American descendants of those buried at the Boyd Carter Memorial Cemetery in Kearneysville, West Virginia because the agency had no information that the cemetery was allegedly at risk. Subsequent construction and completion of the project has borne out the fact that the Complainants' fears were unfounded: there *were no disturbances* of any graves or other archeological structures related to the cemetery.

As to any allegation that was not addressed directly in the foregoing responses, the WVDEP denies such allegation. Thank you for your attention to this matter. Please don't hesitate to contact me with further questions or concerns.

Regards,

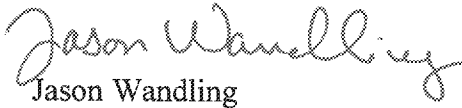

Jason Wandling

EXHIBIT ONE

State of West Virginia
Department of Environmental Protection
Division of Water and Waste Management

PUBLIC NOTICE and PUBLIC HEARING

WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S, PUBLIC INFORMATION OFFICE, 601 57TH STREET SE, CHARLESTON, WEST VIRGINIA 25304-2345 TELEPHONE: (304) 926-0440.

APPLICATION FOR COVERAGE UNDER THE GENERAL WEST VIRGINIA WATER POLLUTION CONTROL PERMIT NO. WV0116815

Public Notice No.: SM-4-2019

Public Notice Date: January 25, 2019

Paper: The Journal

The following has applied for coverage under the General WV/Water Pollution Control Permit No. WV0116815 for this facility or activity:

Appl. No.: WVR311281

Applicant: MOUNTAINEER GAS COMPANY
414 SUMMERS ST
CHARLESTON, WV 25301

Location: Near KEARNEYSVILLE, BERKELEY COUNTY

Latitude: **Ex. 6 Personal Privacy (PP)**

Receiving Stream:
Shaw Run/Evans Run/Opequon Creek/Potomac River

Activity:
The proposed Route 9 Extension Pipeline Project (Project) will disturb 32.64 acres and consists of the installation of approximately 4.93 miles natural gas distribution pipeline in Berkeley and Jefferson Counties, West Virginia, and involves construction of approximately 4.93 miles of natural gas distribution line. The project includes access roads, 17.69 acres entirely within the Department of Highways Right-of-way and 14.95 acres of private Right-of-way (ROW).

Business conducted:
Route 9 Extension

Implementation:
N/A

On the basis of review of the application the "Water Pollution Control Act (Chapter 22, Article 11-8(a))," and the "West Virginia Legislative Rules," the State of West Virginia will act on the above application.

Any interested person may submit written comments on the site registration permit application by addressing such to the Director of the Division of Water and Waste Management within 30 days of the date of the public notice. Such comments or requests should be addressed to:

Director, Division of Water and Management, DEP
ATTN: Sharon Mullins, Permitting Section
601 57th Street SE
Charleston, WV 25304-2345

The public comment period begins January 25, 2019 and ends February 25, 2019. A public hearing has been scheduled from 6 to 8 p.m. on Thursday, February 21, 2019 at:

Ranson Civic Center
431 W. 2nd Ave.
Ranson, WV 25438

The purpose of the hearing is to take comments on the draft permit that will cover the discharge of stormwater during construction activities.

Oral and written comments will be accepted at the hearing. After the public hearing, the comment period will continue until 8 p.m. on Friday, February 25, 2019.

A copy of the draft permit can be obtained by calling Sharon Mullins, Division of Water & Waste Management, (304) 926-0499, ext. 1132; or e-mail her at Sharon.A.Mullins@WV.Gov.

Comments received within this period will be considered prior to acting on the permit application. Correspondence should include the name, address and the telephone number of the writer and a concise statement of the nature of the issues raised. The Director shall hold a public hearing whenever a finding is made, on the basis of requests, that there is a significant degree of public interest on issues relevant to the site registration permit application and this facility's coverage under the General Permit. Interested persons may contact the Public Information Office to obtain further information.

The application may be inspected, by appointment, at the Division of Water and Waste Management Public Information Office, at 601 57th Street SE, Charleston, WV, between 8:00 a.m. and 4:00 p.m. on business days. Copies of the application and the General Permit and Fact Sheet may be obtained from the Division at a nominal cost. Individuals requiring Telecommunication Device (TDD) may contact our agency by calling (304) 926-0493. Calls must be made 8:30 a.m. to 3:30 p.m. Monday through Friday.

EXHIBIT TWO

Wandling, Jason E

From: Adams, Rick D
Sent: Thursday, May 2, 2019 11:09 AM
To: Wandling, Jason E
Subject: FW: FOUO - Open Source Request - Rockwool, Kai Newkirk

FYI

From: Fletcher, Terry A <Terry.A.Fletcher@wv.gov>
Sent: Monday, February 11, 2019 12:57 PM
To: Maguire, Edward F <Edward.F.Maguire@wv.gov>; Stottlemeyer, Dennis O <Dennis.O.Stottlemeyer@wv.gov>
Cc: Hancock, Billie S <Billie.S.Hancock@wv.gov>; Adams, Rick D <Rick.D.Adams@wv.gov>
Subject: Fwd: FOUO - Open Source Request - Rockwool, Kai Newkirk

See response below from Chief Roper with the Ranson Police Department. I will get in touch with the Civic Center contact later this afternoon to discuss further.

Terry

Begin forwarded message:

From: William Roper <Chief@ransonwv.us>
Date: February 11, 2019 at 12:31:51 PM EST
To: "Fletcher, Terry A" <Terry.A.Fletcher@wv.gov>
Cc: Terri Burhans <tburhans@ransonwv.us>, Andy Blake <ABlake@ransonwv.us>, Duke Pierson <dukepierson8@gmail.com>
Subject: RE: FOUO - Open Source Request - Rockwool, Kai Newkirk

Good Afternoon Mr. Fletcher,

Thank you for your response and information from the Fusion Center.

I want all to be aware of the concerns that I currently have concerning these meeting that are occurring for the proposed Rockwool site.

It appears that the anti-Rockwool groups are continuing their efforts to voice their concerns, while they are given this right, they have shown disrespect, threats to any governing body that holds these meetings. My concern is that they may resort to other measures to get their point across. With these groups filing law suits on everyone involved, and now from my understanding contracting a gentleman to assist in their endeavor who incorporates "Civil Disobedience Action, and encourages more momentum into to their fight", makes me belief this meeting at the Civic Center will be attended by a larger group than in the past.

Mr. Fletcher, please don't forget, Ranson Police Department consist of 15 sworn law enforcement officer and the WV State Police are limited in man power.

With this being said, I do believe that if this meeting is scheduled at the Civic Center, it will be attended by a larger crowd than before do to it's layout. And this causes me great concern.

Please get with me and Mrs. Burhans concerning this event.

Thank You

William Roper
Chief of Police
Ranson Police Department
chief@ransonwv.us
(304) 725-2411

From: Fletcher, Terry A <Terry.A.Fletcher@wv.gov>
Sent: Monday, February 11, 2019 11:13 AM
To: William Roper <Chief@ransonwv.us>
Cc: Terri Burhans <tburhans@ransonwv.us>
Subject: FW: FOUO - Open Source Request - Rockwool, Kai Newkirk

Good morning,

Below is the information we received from the Fusion Center regarding our potential public hearing at the Ranson Civic Center on Feb. 20th.

Terri – Are we still able to use the Civic Center for this hearing or are we being denied?

If we can still use the Civic Center, would the Ranson Police Department be willing to coordinate with WV State Police to provide an extra presence in case of a larger-than-expected crowd? Please advise and thank you for guidance on these matters.

Thanks,

Terry Fletcher
Public Information Specialist - FOIA Officer

West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304

Phone: 304-926-0499 ext. 1641

From: Stottlemeyer, Dennis O
Sent: Friday, February 8, 2019 4:04 PM
To: Fletcher, Terry A <Terry.A.Fletcher@wv.gov>; Maguire, Edward F <Edward.F.Maguire@wv.gov>
Subject: Fwd: FOUO - Open Source Request - Rockwool, Kai Newkirk

Terry,

See below the Fusion Center report. About we expected. I suppose we need to ask Ranson again to use the Civic Center. As per Ed, we should make the request in writing and ask for a response in writing.

Let me know how I can help.

Dennis

Dennis O. Stottlemeyer
Environmental Resources Analyst

WV Department of Environmental Protection

601 57th St SE
 Charleston, WV 25304
 (304) 926-0440

Begin forwarded message:

From: "Kleppe, Ty L" <Ty.L.Kleppe@wv.gov>
Date: February 8, 2019 at 3:45:52 PM EST
To: "Stottlemeyer, Dennis O" <Dennis.O.Stottlemeyer@wv.gov>
Cc: "Griffith, Jessica L" <Jessica.L.Griffith@wv.gov>
Subject: FOUO - Open Source Request - Rockwool, Kai Newkirk

It should be noted that some of the information above describes first amendment protected activities. The WVI/FC recognizes that Americans have constitutionally protected rights to assemble, speak, and petition specific platforms. The WVI/FC safeguards these rights and only reports on first amendment protected activities for operational planning in the interest of assuring public safety and security related to traffic mitigation, personal safety and protection of property from damage.

This information has been derived from publicly available open source resources.

At the request of the West Virginia Department of Environmental Protection, the West Virginia Intelligence Fusion Center has conducted real-time, open source analysis for any derogatory rhetoric that may result in a threat to public safety surrounding a public hearing to be had regarding a gas line project to the Rockwool facility in Ranson, Jefferson County, WV.

- A website titled Toxic Rockwool, run by members of "Citizens Concerned about Rockwool Ranson, WV" and Jefferson County Vision, release articles openly opposing the Rockwool facility. Some articles call for public action, while others encourage the Public Service Commission and the Jefferson County Commission to intervene in the project. Members often use "#toxicrockwool and #stoprockwool on social media when referring to the project. Opposition efforts and public posts have remained nonviolent.
<https://www.toxicrockwool.com/>
<https://www.facebook.com/jeffersoncountyvission>
- Per Ranson PD, citizens have hired a professional demonstrator by the name of Kai Newkirk. Mr. Newkirk does have a web and social media footprint, and has been mentioned in various news articles regarding his efforts. Mr. Newkirk is the co-founder of 99Rise, and was the mission director the Democracy Spring campaigns in D.C. These social movement organizations state their goal is to "reclaim democracy from the domination of big money." He has openly stated he is about nonviolent protest. His tactics involve civil disobedience and encouraging more momentum into the movement. His organization efforts may increase participation in public opposition, but it is expected to remain nonviolent.
<https://www.kainewkirk.org/>
https://twitter.com/kai_newkirk <https://www.facebook.com/kai.newkirk>
<https://www.democracyspring.org/>

I will advise of any additional findings. If I can be of any further assistance, please do not hesitate to contact me.

Respectfully,

Ty L. Kleppe | Intelligence Analyst
 West Virginia Intelligence/Fusion Center
 Office: 304-558-4831 | Fax: 304-558-6592

Email: Ty.L.Kleppe@wv.gov



WARNING: This email and any attachments may contain Law Enforcement Sensitive information and should be used For Official Use Only. Before dissemination, contact the West Virginia Intelligence/Fusion Center at 304-558-4831 or WVFusion@wv.gov.

EXHIBIT THREE

Howard, Nicole L

From: Mullins, Sharon A
Sent: Wednesday, February 6, 2019 1:12 PM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: DEP hearings on Feb. 21st in Ranson, WV about pipeline

From: Ex. 6 Personal Privacy (PP)
Sent: Wednesday, January 30, 2019 11:10 AM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: RE: DEP hearings on Feb. 21st in Ranson, WV about pipeline

Hello Ms. Mullins,

Thank you for your time and consideration.

I'm writing to you in case I cannot make it to the DEP hearings Ranson, WV about the pipeline. I understand there is some concern about pipelines running through certain geological formations and the risk of spills of toxic material that could result.

I realize that road transport may or may not be more hazardous than pipe transport in the long run. My concern and want is that there be financial and engineering safeguards by the owner of the pipeline that are guarantees the safety of those who might be impacted by a spill. In the absence of such real safeguards I believe public trust is eroded. WV has a public history in recent news of bypassing safety regulations in order to safeguard profits for a few. We can do better.

Thank you for your attention in bringing this piece of discussion to the meeting.

Ex. 6 Personal Privacy (PP)

Howard, Nicole L

From: Mullins, Sharon A
Sent: Thursday, February 7, 2019 11:00 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: RE: public comment/DEP hearing Rockwool pipeline extension

FYI: Comments

From: **Ex. 6 Personal Privacy (PP)**
Sent: Thursday, February 7, 2019 10:54 AM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: public comment/DEP hearing Rockwool pipeline extension

Ms. Sharon Mullins,

I am writing as a concerned citizen and a resident of the Great State of West Virginia. West Virginia NEEDS these jobs. Please look around at the communities that are being robbed because the citizens have no hope. I raised three great sons and the one ethic that they have and I am proud to say as parents we raised our boys with is work ethic. Give the young generation a chance and give them good paying jobs. Yes, my boys started out at restaurants and gas station but needed more to raise a family. They now have jobs with First Energy and CSX. They had hope but where is the vision for our grandchildren, whom I am a proud grandmother of 6 boys, and I know in 10 plus years they will be job hunting. I have worked in the natural gas industry for over 30 years and my husband worked 48 years in gas. We are very proud of our careers and fantastic tax payers. I still work and am just helping to finish 23 miles of natural gas in the Eastern Panhandle. It's hard to believe that the President of the United States said in his State of the Union speech that "THE UNITED STATES OF AMERICA IS #1 PRODUCER OF NATURAL GAS" and the Eastern Panhandle is just getting on board in 2018??? So, many people in the community have came and thanked us for helping their community and the question most asked is when can we get gas. I can say as the construction manager we have been harassed many time by false accusations of these so called people that want to protect the environment. All those citizens have done is cost the taxpayers more money. So I am asking as a proud taxpayer of West Virginia, let us prosper and not be listed as one of the poorest states in Our Great Nation.

Ex. 6 Personal Privacy (PP)

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 7:16 AM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, February 7, 2019 4:57 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Kearneysville, WV 25430

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 7:15 AM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, February 7, 2019 6:52 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. There are far too many "what-ifs" concerning the extension into the fragile topography and ecosystems in our county. Far too many residents have raised concerns about the quality of life we be faced with if heavy industry is allowed to grow here. We have seen way too many examples throughout this state and others to not understand the consequences of poor decision-making.

Please listen to those who understand the complexity of our situation and do what is right for the safety and health of Jefferson County.

Sincerely,

Ex. 6 Personal Privacy (PP)

Sincerely,

Ex. 6 Personal Privacy (PP)

Kearneysville, WV 25430

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 7:16 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, February 7, 2019 9:47 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. We do not want the pipeline, its damage to our water supplies, or the industry that will surely follow. Please honor the will of Jefferson County residents. No pipeline!

Sincerely,

Ex. 6 Personal Privacy (PP)

Shepherdstown, WV 25443

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Thursday, February 7, 2019 4:33 PM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: RE: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

FYI: Comments WVR311281

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, February 7, 2019 4:30 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Harpers ferry , WV 25425

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:36 AM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 7:57 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Shepherdstown, WV 25443

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 11:05 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 11:01 AM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Charles Town, WV 25414

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 2:27 PM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 2:10 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

Dear Sharon Mullins,

Greeting Ms. Mullins,

I sincerely oppose the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. I am a lifelong resident and the heavy industry these utilities will be servicing will ruin my family home. Please do the right thing for the citizens.

Sincerely,

Ex. 6 Personal Privacy (PP)

Shenandoah Jct, WV 25443

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:35 AM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message
 <automail@knowwho.com>
Sent: Friday, February 8, 2019 11:43 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Shepherdstown, WV 25443

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 12:36 PM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 11:41 AM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

[https://www.google.com/search?rlz=1CAIVGE_enUS819andq=pipeline+blowing+up+2019andtbm=ischandsou
rce=univandsa=Xandved=2ahUKEwi_5YXAYazgAhUSMd8KHR1_AMIQsAR6BAgBEAEandbiw=1280andbi
h=642](https://www.google.com/search?rlz=1CAIVGE_enUS819andq=pipeline+blowing+up+2019andtbm=ischandsou rce=univandsa=Xandved=2ahUKEwi_5YXAYazgAhUSMd8KHR1_AMIQsAR6BAgBEAEandbiw=1280andbih=642)

Sincerely,

Ex. 6 Personal Privacy (PP)

Ranson, WV 25438

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 12:38 PM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message
 <automail@knowwho.com>
Sent: Friday, February 8, 2019 11:17 AM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

We brought our family to Jefferson County 35 years ago, and our four children are now homeowners in the County, and have 9 grandchildren here. Thus I represent 5 property owners and 15 humans who stand to be poisoned by this installation. Our 50 year old well, which is from a clean, clear aquifer which, in the porous karst geology, we will share with the Rockwell plant. I am 73 years old, and devastated that we will be also sharing the over 300,000 gallons daily of water that the plant will extract and return to the aquifer poisoned. In my estimation, a paltry 150 jobs, no matter what level, are a poor exchange for this depredation of our water and air. I hope that you hear us and act accordingly.

Please do not facilitate this outrageous intrusion into our land, homes, and bodies. No one can convince me that a hundred and ten million gallons of annual water exchange through the plant will come out clean. My children and grandchildren's health are at risk; for what?

We do not need this foreign corporation to poison us for profits that will not even stay in-country, much less in-county.

Sincerely,

Ex. 6 Personal Privacy (PP)

Shepherdstown, WV 25443

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 11:04 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 10:58 AM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

Clean water is a necessity for healthy living, and the risk this pipeline puts on clean water and the safety of our citizens is lecherous. I ask you, what is more important? The health and welfare of humans, or the greed of corporations? I believe the answer is obvious. Do you?

A storm water permit for construction should NOT be granted.

Sincerely,

Ex. 6 Personal Privacy (PP)

Sincerely,

Ex. 6 Personal Privacy (PP)

Shepherdstown, WV 25443

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:37 AM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 5:55 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Harpers Ferry, WV 25425

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:39 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 5:21 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. We do NOT want Mountaineer Gas to build its pipeline extension to Rockwood, enabling that company to pollute our air and water and ushering in a heavy industrial invasion of our communities. Thank you so much for all the actions you've previously taken.

Sincerely,

Ex. 6 Personal Privacy (PP)

Shepherdstown, WV 25443

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:37 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 7:04 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Hedgesville, WV 25427

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:38 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 5:34 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. There is the potential to ruin the water for everyone. If it does go and Rockwool opens I will be moving from my once thought forever home and may lose everything. But I will not stay here. The only county in WV with money will turn into a poor county a toxic county.

Sincerely,

Ex. 6 Personal Privacy (PP)

Harpers Ferry , WV 25425

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 9:44 AM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 9:24 AM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Kearneysville, WV 25430

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:36 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Application WVR311281 - Proposed pipeline to Rockwool

FYI: Comments

From: Ex. 6 Personal Privacy (PP)
Sent: Friday, February 8, 2019 8:52 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Application WVR311281 - Proposed pipeline to Rockwool

Ms. Mullins,

I oppose Mountaineer Gas to build its pipeline extension to Rockwool, enabling Rockwool to pollute our air and water and ushering in a heavy industrial invasion of our communities. The citizens of West Virginia and Loudoun do not want polluters within 2 miles to 4 schools/2 daycares, and very close to beautiful farms/wineries.

Jefferson County is a valley and often sees effects of temperature inversions, holding pollutions closer to the ground, affecting the air quality. Allowing building of a gas pipeline to build Rockwool will destroy our clean air and water as well as our established way of life. Please send Rockwool back to Denmark and let them spread their pollution in their own country.

Ex. 6 Personal Privacy (PP)

Hamilton, VA

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:36 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Application WVR311281 - Proposed pipeline to Rockwool

FYI: Comments

From: Ex. 6 Personal Privacy (PP)
Sent: Friday, February 8, 2019 8:52 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Application WVR311281 - Proposed pipeline to Rockwool

Ms. Mullins,
 I oppose Mountaineer Gas to build its pipeline extension to Rockwool, enabling Rockwool to pollute our air and water and ushering in a heavy industrial invasion of our communities. The citizens of West Virginia and Loudoun do not want polluters within 2 miles to 4 schools/2 daycares, and very close to beautiful farms/wineries.

Jefferson County is a valley and often sees effects of temperature inversions, holding pollutions closer to the ground, affecting the air quality. Allowing building of a gas pipeline to build Rockwool will destroy our clean air and water as well as our established way of life. Please send Rockwool back to Denmark and let them spread their pollution in their own country.

Ex. 6 Personal Privacy (PP)

Hamilton, VA

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 10:17 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 9:53 AM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

CHARLES TOWN, WV 25414

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 2:27 PM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, February 8, 2019 2:10 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

Dear Sharon Mullins,

Greeting Ms. Mullins,

I sincerely oppose the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. I am a lifelong resident and the heavy industry these utilities will be servicing will ruin my family home. Please do the right thing for the citizens.

Sincerely,

Ex. 6 Personal Privacy (PP)

Shenandoah Jct, WV 25443

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Friday, February 8, 2019 3:55 PM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message
 <automail@knowwho.com>
Sent: Friday, February 8, 2019 3:51 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Harpers Ferry, WV 25425

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:34 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Saturday, February 9, 2019 10:40 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281 Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Hedgesville, WV 25427

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:33 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP), Sent You a Personal Message <automail@knowwho.com>
 Sent: Saturday, February 9, 2019 11:05 PM
 To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
 Subject: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. You know the wide spread opposition to this criminal foreign corporation destroying our state. It is unsafe I'm our karst geology, Rockwool is not wanted here and will never be allowed. Maryland has rejected the pipeline . So they have been lying the entire time. Now the company has other plans, they are criminals and undoubtedly they have gotten to the DEP the entire state knows everyone of you is corrupt. We will follow you everywhere for eternity. There is nowhere to hide you stolen money or repair the damage you constantly cause by granting these criminals permits. You will be held responsible for crimes against humanity.

Sincerely,

Ex. 6 Personal Privacy (PP)

Hedgesville, WV 25427

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:34 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Saturday, February 9, 2019 10:14 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Kearneysville, WV 25430

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:35 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Saturday, February 9, 2019 9:14 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Heavy industry has no place in Jefferson County and certainly not within 3000 feet of an elementary school and within 2 milez of 1,200 students in Jefferson County.

It's incomprehensible to me how a company like Rockwool could have even reached this point in development on a project that is opposed by perhaps 80 to 90% of the good people of this county.

West Virginia is not a Dumping Ground for heavy industry from other countries. I'm greatly concerned for my two children who are 11 and 9 in attendees schools and it is our human right to have clean air and safe drinking water. I'm already concerned with my drinking water coming out of the Potomac River let alone adding to that a toxic Factory just miles away.

Please stand up for the good people of Jefferson County who love our children and just want them to be safe and healthy as is their human right.

Thank you,

Ex. 6 Personal Privacy (PP)

Sincerely,

Ex. 6 Personal Privacy (PP)

Shepherdstown , WV 25443

Ex. 6 Personal Privacy (PP)

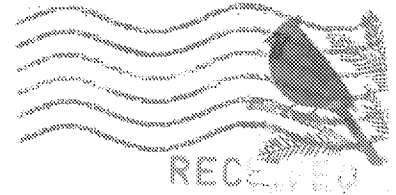
This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Ex. 6 Personal Privacy (PP)

Ranson, West Virginia 25438

11 FEB 2019 PM 11

Can't come to Ranson
hearing.
Please listen to the
voters + citizens!
Pipeline to Rockwood
is dangerous, unwanted
& opens us to heavy
industry opposed by
over 30% of the
adults in Jeff. Co. We
must protect our children.



Attn:

Sharon Mullins
Permits DEP
601 57th St. S.E.
Charleston, W.V.

25304-2345

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:26 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
 Sent: Monday, February 11, 2019 2:26 PM
 To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
 Subject: Public Comment Submission -- WVR311281 Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Increasingly heavy rains are pummeling our watershed and I am extremely concerned that the stormwater from the extension will be constructed in a way incredibly similar to the other sections of the pipeline, which produced numerous environmental violations. Just last year Evitt's Run was overrun and untreated wastewater of unknown toxicity and quantity was released into it. Removing additional vegetation and unsettling the earth even more can only harm what is already an area that has seen increasing sediment flow into the Potomac.

I am also concerned about the premise for the need for these risks to be taken. My understanding is that currently the only customer for this pipeline would be Rockwool, who is incredibly controversial with several lawsuits against it, one which challenges the zoning of the land and, if successful, would revert the zoning back to one that doesn't allow heavy industry.

Sincerely,

Ex. 6 Personal Privacy (PP)

Shenandoah Junction, WV 25442

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:22 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Monday, February 11, 2019 10:21 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281 "Attn: Sharon Mullins"

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

I am writing as a citizen of Jefferson County on behalf of my two young children and my husband. Please protect our environment. We deserve clean water, clean air and a clean environment.

Sincerely,

Ex. 6 Personal Privacy (PP)

Kearneysville, WV 25430

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:23 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Monday, February 11, 2019 11:32 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Harpers Ferry, WV 25425

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:21 AM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message
<automail@knowwho.com>
Sent: Monday, February 11, 2019 8:39 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281 Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Charles Town, WV 25414

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:21 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Monday, February 11, 2019 5:53 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Shenandoah Jct. WV 25442

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 7:23 AM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message
 <automail@knowwho.com>
Sent: Tuesday, February 12, 2019 6:19 AM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

Sincerely,

Ex. 6 Personal Privacy (PP)

Harpers Ferry , WV 25425

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 1:32 PM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) sent You a Personal Message <automail@knowwho.com>
 Sent: Tuesday, February 12, 2019 11:16 AM
 To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
 Subject: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. Karst geology, endangered animals, unwanted industry...you've heard it all. The tides are turning, and it's the perfect time to say no to this pipeline.

Thank you,

Ex. 6 Personal Privacy (PP)

Sincerely,

Ex. 6 Personal Privacy (PP)

Shenandoah Junction, WV 25442

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 12, 2019 3:52 PM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: No pipeline. No rockwool.

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)**
Sent: Tuesday, February 12, 2019 2:27 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: No pipeline. No rockwool.

I am a resident and I vote.

We don't need Rockwool. We don't need a pipeline for them.

This whole thing is shady - how did they sneak through so many permit steps before the public even knew.

Send them somewhere that would welcome heavy industry. Not here!

Ex. 6 Personal Privacy (PP)

Howard, Nicole L

From: **Ex. 6 Personal Privacy (PP)**
Sent: Wednesday, February 13, 2019 12:55 AM
To: Adams, Rick D; Mullins, Sharon A
Subject: Re: Application WVR311281 - Proposed pipeline to Rockwool

Ms Mullins and Mr Adams

To add to my bottom email, I would like to add more concerns, opposing the pipeline.

I am concerned about the discharge of storm water into the Potomac River during the constructions process, tainting our water source with increased sediments. Certain parts of West Virginia (Example: Gary, WV) are already experiencing undrinkable/muddy water supply. I do not want Jefferson and Loudoun Counties to suffer the same consequence. Additionally, my understanding is that gas fracking will also threaten local water supply. I attached two links about water in Gary and about the danger of fracking gas to water supply.

I am also concerned that the construction areas are full of vulnerable sinkholes and karst terrain. It is a poorly chosen site to receive a heavy industrial gas line. Look at all the houses that blew up in other states or caught on fire in recent news?

There is too much risk and negatives to build a pipeline to Rockwool. Our health is not for sale.

Ex. 6 Personal Privacy (PP)

Hamilton, VA

In Southern W.Va, Days Without Water Are a Way Of Life

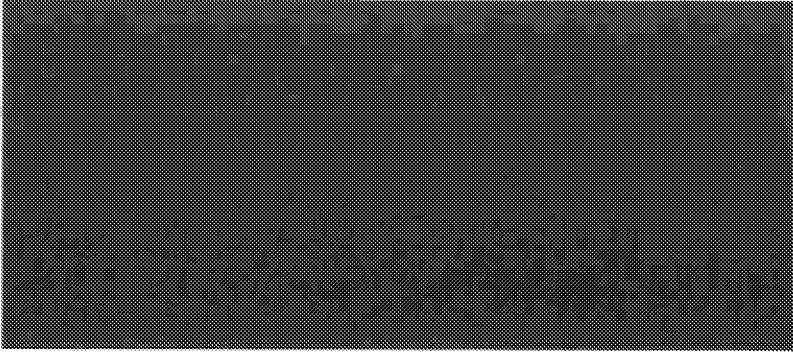


In Southern W.Va, Days Without Water Are a Way Of Life

Caity Coyne | Charleston Gazette-Mail

GARY -- Each morning **Ex. 6 Personal Privacy (PP)** turns her faucet, she waits to see what color the water will be when, or if, it...

'Fracking' threatens local water supply



'Fracking' threatens local water supply

'Fracking' has unleashed a natural gas boom while alienating local residents who say the process poisons their water.

On Tuesday, February 12, 2019 07:35:57 AM EST, Mullins, Sharon A <Sharon.A.Mullins@wv.gov> wrote:

FYI: Comments

From: [Redacted] Ex. 6 Personal Privacy (PP)
Sent: Friday, February 8, 2019 8:52 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Application WVR311281 - Proposed pipeline to Rockwood

Ms. Mullins,

I oppose Mountaineer Gas to build its pipeline extension to Rockwood, enabling Rockwood to pollute our air and water and ushering in a heavy industrial invasion of our communities. The citizens of West Virginia and Loudoun do not want polluters within 2 miles to 4 schools/2 daycares, and very close to beautiful farms/wineries.

Jefferson County is a valley and often sees effects of temperature inversions, holding pollutions closer to the ground, affecting the air quality. Allowing building of a gas pipeline to build Rockwood will destroy our clean air and water as well as our established way of life. Please send Rockwood back to Denmark and let them spread their pollution in their own country.

Ex. 6 Personal Privacy (PP)

Howard, Nicole L

From: Mullins, Sharon A
Sent: Wednesday, February 13, 2019 11:21 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, February 13, 2019 9:52 AM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

A large concern for me, and many others in this area, is that the proposed route for the pipeline goes through our karst topography which is known for sinkholes and caverns that become collection points for water flowing to the water table. Whatever happens, whether the collection of pollutants that have not gone through the natural filtration of soil and bedrock, or the introduction of chemicals or pollutants or dirt through the building of a pipeline, has the potential of ending up in the Potomac River. Not only the Potomac River from which many towns get their water supply, but wells in a wide spread area, undergirded with the drainage system of the karst, would have their water supply threatened. Fresh water is precious. It has been written that it may become more precious than gold.

Just the physical building of a pipeline near various runs, such as Shaw and Evans, and Opequon Creek will add to the sediment that is flowing into the Potomac, already muddied by heavy rains. In our changing climate, this increase in rain is likely to continue.

Another issue is that sinkholes, which develop suddenly and without warning, can cause hazards when this happens in the vicinity of a pipeline, changing what was once the support of the ground below and/or exposing the pipeline. The ME-1 pipeline in Pennsylvania was recently exposed when a sinkhole suddenly occurred. This was not the first time this occurred.

The company Rockwool has already found, and not reported, sinkholes in the area where they are building. While sinkholes that have appeared in or near roads and highways become obvious and are addressed, those on private properties are not necessarily recorded. Nonetheless, they are indicators of the frequency with which sinkholes appear in karst terrain.

Given our karst terrain, a valuable resource in terms of water, potential contamination of the water and potential dangers to safety when there are sinkholes where the pipe travels, I urge the DEP to deny the construction stormwater permit.

Ex. 6 Personal Privacy (PP)

Shepherdstown, WV

Sincerely,

Ex. 6 Personal Privacy (PP)

Shepherdstown, WV 25443

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Wednesday, February 20, 2019 7:16 AM
To: Adams, Rick D
Cc: **Ex. 6 Personal Privacy (PP)**
Subject: FW: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: **Ex. 6 Personal Privacy (PP)** Sent You a Personal Message
 <automail@knowwho.com>
Sent: Friday, February 15, 2019 6:31 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

The stormwater that could flow from the work area would end up in the Potomac River, by way of Shaw Run, Evans Run and the Opequon Creek. The Potomac Watershed has seen increasing sedimentation in the past year due to heavy rainfall. It could be said that work on ALL pipelines should be stopped as long as the weather in our region is as wet as it has been.

An increasing number of sinkholes are appearing in our area due to heavy rain and snowfalls this year.

The Danish multinational, Rockwool, encountered sinkholes while doing site work near the proposed pipeline route in September.

Numerous sinkholes have also appeared in similar karst terrain in Pennsylvania, where the Mariner East 1 pipeline is now in service.

The Mountain Valley Pipeline is also being built through karst in SW Virginia, and is causing sinkholes. Dr. Ernst Kastning, a geologist who lives in the area, warned against building the 42-inch pipeline through the region in a paper written and submitted to the Federal Energy Regulatory Commission in July of 2016.

In a paper on Karst Geology, Jim Cummins, retired Director of the Living Resources Section at The Interstate Commission on the Potomac River Basin, explains that "The comparatively low number of streams in our county is because there are many sinkholes and related caverns and conduits draining our landscape, all with little or no filtering of what is running into them. Contaminants can go directly into our groundwater." As we know, most of the county uses well-water, so the pipeline construction process could contaminate people's wells.

Cummins also states that sinkholes can also compromise the safety of the pipeline. "Not only are the many sinkholes of concern, but also land subsidence, or collapse of land due to changes in the landscape. Land subsidence is the suspected cause of two recent pipeline explosions in our region, one in Marshall County, WV in June and one in Beaver County, PA in September. Subsidence most often occurs when voids in the limestone have been plugged with soils (called "covered karst," which is what we have in Jefferson County) and those plugs become saturated and eroded due to a change in stormwater runoff, that water softens the plug, collapsing it and overlaying material."

Please take the risks of constructing an unnecessary pipeline through our karst terrain seriously. Even best construction and sediment control practices may not prevent catastrophic sinkholes, soil or water contamination, or serious runoff problems either during construction or during operation of the eventual pipeline.

We cannot take the chance that we might lose our drinking water. When that happened in Charleston they lost population which was not replaced. People will not move to a place where the drinking water is not safe.

Thank you for your time and consideration.

Sincerely,

Ex. 6 Personal Privacy (PP)

Eastern Panhandle Sierra Club
CHARLES TOWN, WV 25414

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Wednesday, February 13, 2019 3:10 PM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, February 13, 2019 3:00 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€”Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. It is time to stop the pipelines.

Sincerely,

Ex. 6 Personal Privacy (PP)

Martinsburg, WV 25403

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Wednesday, February 20, 2019 7:19 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Comment on Rockwool Pipeline, WVR311281

FYI: Comments

From: Ex. 6 Personal Privacy (PP)
Sent: Sunday, February 17, 2019 7:25 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Comment on Rockwool Pipeline, WVR311281

Hi,

I'm writing to oppose the Mountaineer Gas Pipeline Extension Into Jefferson County, application number WVR311281.

This pipeline would go through karst geology in the Eastern Panhandle of WV, and would fuel a health-threatening industrial build-out here that will affect WV, VA and MD residents. These heavy industries planned for the EP would pollute the Potomac and Shenendoah Rivers, which flow into the Chesapeake Bay. **Please do not grant the permit.** We do NOT want Mountaineer Gas to build its pipeline extension to Rockwool, enabling that company to pollute our air and water and ushering in a heavy industrial invasion of our communities.

Thank you.

Ex. 6 Personal Privacy (PP)

--
Ex. 6 Personal Privacy (PP)

Howard, Nicole L

From: Mullins, Sharon A
Sent: Wednesday, February 20, 2019 7:42 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

FYI: Comments

-----Original Message-----

From: Ex. 6 Personal Privacy (PP) Sent You a Personal Message <automail@knowwho.com>
Sent: Monday, February 18, 2019 12:37 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: Public Comment Submission -- WVR311281â€™ Attn: Sharon Mullins

Dear Sharon Mullins,

Dear Ms. Mullins,

I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

The stormwater that could flow from the work area would end up in the Potomac River, by way of Shaw Run, Evans Run and the Opequon Creek. The Potomac Watershed has seen increasing sedimentation in the past year due to heavy rainfall.

The heavy rainfall this year has also produced an increasing number of sinkholes in our area. Several opened up in September on a building site near the proposed pipeline route, where the Danish multinational, Rockwool, plans to locate a factory.

I am a homeowner nearby, and I get my water from a well. After the heavy rains this year, my well failed its bacteriological test for the first time since 1989. I had to spend \$1300 on a UV disinfection system.

With increasing industrialization in my area, how many chemical pollutants will enter the groundwater? When that groundwater gets into the porous limestone that underlies our area, how many of these chemicals will end up in my well? Will my water be safe even if I install an \$8000 reverse osmosis system to remove these chemicals?

Construction of the pipeline is very likely to lead to more groundwater contamination of my well, and the danger of additional contamination presents me with a major health risk.

Please do not grant the stormwater permit for construction of the Eastern Panhandle Pipeline Extension.

Sincerely,

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

SHEPHERDSTOWN, WV 25443

Ex. 6 Personal Privacy (PP)

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. Please contact Dave Simon at core.help@sierraclub.org or (415) 977-5500 for more information.

Howard, Nicole L

From: Mullins, Sharon A
Sent: Tuesday, February 26, 2019 10:20 AM
To: Adams, Rick D
Cc: Ex. 6 Personal Privacy (PP)
Subject: FW: Application Number WVR311281; Discharge of Stormwater During Pipeline Construction

FYI: Comments

From: Ex. 6 Personal Privacy (PP)
Sent: Sunday, February 24, 2019 2:43 PM
To: Mullins, Sharon A <Sharon.A.Mullins@wv.gov>
Subject: RE: Application Number WVR311281; Discharge of Stormwater During Pipeline Construction

Dear Ms. Mullins,

I am writing today to express my grave concerns regarding the requested permit by Mountaineer Gas for its pipeline extension into Jefferson County for the proposed Rockwool plant. In my opinion, which is back-up by science, a stormwater permit should not be issued for this project.

As you well know, we are in the Shenandoah/Potomac River watershed. The rivers have already seen increased sedimentation in recent years as weather patterns have shifted, and we are witnessing greatly increased year-round rainfall -- a trend that is expected to continue. There is a threat of stormwater entering the rivers via Shaw Run, Evans Run, and Opequon Creek. The dangers of runoff from pipeline construction is being documented every day, as violation after violation is being filed against many ongoing pipeline projects currently in the area. As the Potomac River is the main water source for millions of people in the D.C. metro area, threats to its integrity as a source of drinking water should also be given careful consideration.

We live in an area of karst geology, which has been deemed by geologist Dr. Ernst Kastning, in a 2016 paper submitted to FERC, as being unsuitable for building a 42" pipeline. As you well know, karst is porous and unstable, allowing for the development of sinkholes, and in the case of leaks or spills, allowing toxic contaminants to be rapidly dispersed into groundwater, underground streams, and wells. Most of the county uses well water. At risk are thousands of private water wells, and several municipal water sources, serving thousands of customers and families. Jim Cummins, retired Director of the Living Resources Section at The Interstate Commission on the Potomac River Basin, has clearly explained how the nature of karst hydrology allows for stormwater runoff or spills of toxic substances being carried by a pipeline to be rapidly dispersed into our groundwater via the underground network, with little or no filtering.

In addition, karst is an unstable substrate for a pipeline meant to carry toxic poisons that will at some point threaten our groundwater and the entire watershed. Mr. Cummins has also explained how "covered karst," which is what we have in Jefferson County, is subject to ground subsidence, or collapse, as voids in the limestone substrate (which have become filled with soils) become saturated and eroded, collapsing the limestone and whatever is on top of it. This would compromise the safety of the pipeline, possibly allowing for explosions, as was witnessed in two recent incidents: one in Marshall County, WV in June, and one in Beaver County, PA in September.

The current site where Rockwool is under construction has already developed a number of sinkholes, and Rockwool has been cited by the WVDEP for six violations of its stormwater discharge permit. (These include

the non-disclosure of the occurrence of sinkholes, and cite the failure to operate and maintain treatment systems, failure to implement controls on water, failure to provide necessary stabilization, protect slopes and inlet protection for sediment control structures.) Of even greater concern, the area just northeast of the Rockwool site contains the highest density of sinkholes in the county.

We can only extrapolate from this and expect similar incidents over the path of the proposed pipeline extension.

It is high time our governing bodies stopped giving the green-light to potentially destructive projects that threaten our source of drinking water, as well as the health, wellbeing, and livelihood of a community. The number of industry-related disasters are a wake-up call for all of us.

For us in Jefferson County, who have been spared the environmental horrors suffered by many of our neighbors in other counties in West Virginia, our current way of life is precious.

Currently Jefferson County is a thriving community with the lowest unemployment rate and one of the highest per-capita income levels in the state. We have almost no industrial pollution, and our business and tax-income base is derived from currently thriving businesses like tourism, the equine industry, farming, and cottage industries. The county also functions as a residential exurb of the D.C. metro area, and as a home for retirees, as well as those raising families. Industrializing Jefferson County is something the majority of the county population does not want, at any cost.

Speaking personally, after retiring, I chose to move to Jefferson County for the very reasons of its beauty and relatively unspoiled nature. I have added myself to the tax base, and to the community as a volunteer and supporter of local businesses. If industrialization continues to threaten our beloved way of life, I will be unable to stay, and will take my tax dollars and community support elsewhere. I am not alone, I assure you.

Please take the risks posed by this pipeline extension project seriously, as well as the overwhelming outcry of our citizens against industrializing our county. We do not want the health of our environment, watershed, or public health threatened by projects such as the Mountaineer Pipeline extension.

Thank you for considering my views.

Sincerely,

Ex. 6 Personal Privacy (PP)

Harpers Ferry, WV 25425

Ex. 6 Personal Privacy (PP)

EXHIBIT FOUR



 west virginia department of environmental protection

Division of Water and Waste Management
 601 57th Street SE
 Charleston West Virginia 25304-2345
 Phone: 304-926-0495
 Fax: 304-926-0496

Austin Caperton, Cabinet Secretary
 dep.wv.gov

March 29, 2019

Re: WV Permit No. WV0116815
 Registration Application No. WVR311281
 Mountaineer Gas Company
 Route 9 Extension
 Responsiveness Summary

Dear Commenter,

The State of West Virginia, Department of Environmental Protection (DEP), Division of Water and Waste Management (DWWM) issued a State General Water Pollution Control Permit to regulate the discharge of stormwater runoff associated with oil and gas related construction activities. This General Permit authorizes discharges composed entirely of stormwater associated with oil and gas field activities or operations associated with exploration, production, processing or treatment operations or transmission facilities, disturbing one acre or greater of land area, to the waters of the State. WV0116815 (Stormwater Associated with Oil and Gas related activities) was issued on May 13, 2013. It became effective on June 12, 2013 and expiration has been extended until March 31, 2019.

MOUNTAINEER GAS COMPANY, (Mountaineer) proposes to construct and operate the Route 9 Extension Project located in Berkeley and Jefferson Counties, West Virginia and involves the construction of approximately 4.85 miles of natural gas distribution line. The project includes access roads, 12.22 acres entirely within the Department of Highways Right-of-way and 13.16 acres of private Right-of-way (ROW). The total limit of disturbance (LOD) for the overall project is 25.38 acres, including temporary workspace

DWWM published a Class I legal advertisement (public notice) in The Journal. This public notice allowed the DWWM to receive public comments on the proposed project. The public notice/public comment period closed on February 25, 2019.

The DWWM would like to take this opportunity to thank those who submitted written comments on this application. The DWWM has made every attempt possible to ensure that all questions/concerns related to the application were addressed. The attached Responsiveness Summary highlights the issues and concerns that were identified through written and oral comments received during the comment period.

The Responsiveness Summary is organized such that comments frequently mentioned, or general in nature, or outside the scope of DEP's authority, are responded to in Section A (General Comment Responses). More specific comments on the Construction Stormwater Permit Registration, and our response, are found in Section B (Construction Stormwater Permit Registration - Specific Comments, none specific comments and Responses).

Promoting a healthy environment.


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This permit registration will be issued on March 29, 2019. Notice is hereby given of your right to appeal the terms and conditions of this permit registration of which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after issuance of this permit registration.

Thank you for your interest and comments on the Mountaineer Gas Company application. If you have any further questions or concerns, please do not hesitate to contact Rick Adams of my staff at 304-926-0499 ext. 1354 or by email at Rick.d.adams@wv.gov.

Sincerely


Harold D. Ward
Acting Director

Section A: General Comments Responses.

In many cases multiple comments were provided on specific sections or issues, and those responses have been categorized to the extent possible below:

- A. **Karst Response:** The Mountaineer Gas proposed Route 9 Extension project will cross karst terrain in Berkeley and Jefferson Counties, West Virginia. The Project (Project) will disturb 25.38 acres and consists of the installation of approximately 4.85 miles natural gas distribution pipeline. The project includes access roads, 12.22 acres entirely within the Department of Highways Right-of-way and 13.16 acres of private Right-of-way (ROW).

This project will cross areas associated with potential karst features. A comprehensive, Karst Assessment was completed for the project route and is included in Appendix E. The Assessment included a desktop review to identify areas of potential karst features followed by a field survey to validate the desktop review and identify additional karst features.

Based on the Assessment, the pipeline was routed to avoid direct impact to potential karst features where possible. In addition, precautions and best management practices were identified to prevent and minimize adverse impacts associated with surface storm water runoff to off-site features. The limited size and scope of the project allowed project specific construction details to be developed for areas near or through karst features should they be encountered. The construction details were developed consistent with the WV DEP Sinkhole Mitigation Guidance. The construction details for this project are shown on the Erosion & Sediment Control (E&SC) Plans provided in **Appendix C**.

- B. **Additional Stormwater Runoff Response:** All non-impervious areas in the ROW disturbed by the project will be restored to their approximate original conditions and their preconstruction contours. Existing impervious areas disturbed by the Project will be restored with similar construction materials and to approximate original conditions, and contours. In addition, temporary and permanent slope breakers or right-of-way diversions will be constructed at the DWWM required spacing. Temporary and permanent slope breakers and the incorporation of drainage dissipation devices are intended to control and reduce runoff velocity and divert upland surface flows from the construction right-of-way thereby minimizing both the contributing watershed size and the time and concentration of stormwater runoff onto disturbed areas. These devices also assure that any discharges from the affected areas pose minimal off-site erosion risk.

Mountaineer's Erosion and Sediment Control Plan was designed to control project runoff and sedimentation, while providing controls within the Limits of Disturbance (LOD) and adjacent to the LOD. The controls include construction procedures, such as minimizing the amount of disturbance, proper grading and restoration, diverting/protecting stream flows during stream crossings, and operating efficiently. Mountaineers construction techniques are consistent with the State's construction stormwater requirements, through proper implementation of the procedures, sequencing and the erosion BMPs listed in the E&SC plan, impacts to the surface and ground water will be minimized during construction. Inspections will be conducted both during and post construction. If any permit requirements are not being complied with, the responsible party will

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be required to make the necessary repairs or operational changes to provide the appropriate sediment control and stream protection.

C. **Enhanced best management practices (BMPs):** Storm water management controls include both structural controls and non-structural controls. These controls are consistent with the BMPs required by the WV DEP for linear construction projects. In addition, enhanced BMPs are identified to further protect critical surface and groundwater resources. Enhanced BMPs are also warranted and have been included in this application as discharge to waters of the state with an approved Total Maximum Daily Load (TMDL) is anticipated. Enhanced BMPs include all the following:

- For all areas of disturbance within the TMDL watersheds, inspections are required at a minimum of once every seven (7) calendar days and within 24 hours of any precipitation event greater than 0.25 inches in any 24-hour period. A rain gauge must be located on-site to monitor and record daily rainfall events.
- Any needed repairs and/or maintenance of the BMPs that are identified during the required inspections must be performed immediately.
- Temporary seeding and mulching of disturbed areas must be accomplished within four (4) days if activity on the area will be idled for more than fourteen (14) consecutive days.
- Permanent stabilization of areas where construction is complete must be accomplished within four (4) days.

D. **Additional BMPs:** The following additional BMPs are provided at all right-of-way diversions (water bars) and roads:

- Right-of-Way diversion (Water bars) are proposed with sumps and reinforced filtration devices;
- Access roads with ditches, rock checks and culverts with sumps.

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Section B: Construction Stormwater Permit Registration Response to Specific Comments

Comment #1: This pipeline would go through karst geology in the Eastern Panhandle of WV and would fuel a health-threatening industrial build-out here that will affect WV, VA and MD residents. These heavy industries planned for the EP would pollute the Potomac and Shenandoah Rivers, which flow into the Chesapeake Bay. **Please do not grant the permit.** We do NOT want Mountaineer Gas to build its pipeline extension to Rockwood, enabling that company to pollute our air and water and ushering in a heavy industrial invasion of our communities.

Response #1: As it relates to this application, these questions are addressed in Section A: General Comment Response, paragraphs A and B.

Comment #2: I am concerned about the discharge of storm water into the Potomac River during the constructions process, tainting our water source with increased sediments. Certain parts of West Virginia (Example: Gary, WV) are already experiencing undrinkable/muddy water supply. I do not want Jefferson and Loudoun Counties to suffer the same consequence.

Additionally, my understanding is that gas fracking will also threaten local water supply. I attached two links about water in Gary and about the danger of fracking gas to water supply.

I am also concerned that the construction areas are full of vulnerable sinkholes and karst terrain. It is a poorly chosen site to receive a heavy industrial gas line. Look at all the houses that blew up in other states or caught on fire in recent news?

Response #2: Questions related to discharges of storm water into the Potomac River during constructions activity are addressed in Section A: General Comment Response, paragraph B.

The question related to gas fracking is without foundation as no activity of this type is proposed by this application for registration.

The question related to construction activity in areas with sinkholes and karst terrain is addressed in Section A: General Comment Response, paragraph A.

We have no response to the comments related to houses being blown up or caught on fire in other states as they are not items subject to the jurisdictional authority of the WV DEP.

Comment #3: There is too much risk and negatives to build a pipeline to Rockwood. Our health is not for sale. Increasingly heavy rains are pummeling our watershed and I am extremely concerned that the stormwater from the extension will be constructed in a way incredibly similar to the other sections of the pipeline, which produced numerous environmental violations. Just last year Evitt's Run was overrun and untreated wastewater of unknown toxicity and quantity was released into it. Removing additional vegetation and unsettling the earth even more can only harm what is already an area that has seen increasing sediment flow into the Potomac.

Response 3: See Section A: General Comment Response, paragraph B

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Comment #4: I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. There is the potential to ruin the water for everyone. If it does go and Rockwool opens, I will be moving from my once thought forever home and may lose everything. But I will not stay here. The only county in WV with money will turn into a poor county a toxic county.

Response 4: See Section A: General Comment Response, paragraph B

Comment #5: I am writing as a concerned citizen and a resident of the Great State of West Virginia. West Virginia NEEDS these jobs. Please look around at the communities that are being robbed because the citizens have no hope. I raised three great sons and the one ethic that they have and I am proud to say as parents we raised our boys with is work ethic. Give the young generation a chance and give them good paying jobs. Yes, my boys started out at restaurants and gas station but needed more to raise a family. They now have jobs with First Energy and CSX. They had hope but where is the vision for our grandchildren, whom I am a proud grandmother of 6 boys, and I know in 10 plus years they will be job hunting. I have worked in the natural gas industry for over 30 years and my husband worked 48 years in gas. We are very proud of our careers and fantastic tax payers. I still work and am just helping to finish 23 miles of natural gas in the Eastern Panhandle. It's hard to believe that the President of the United States said in his State of the Union speech that "THE UNITED STATES OF AMERICA IS #1 PRODUCER OF NATURAL GAS" and the Eastern Panhandle is just getting on board in 2018??? So, many people in the community have came and thanked us for helping their community and the question most asked is when can we get gas. I can say as the construction manager we have been harassed many time by false accusations of these so called people that want to protect the environment. All those citizens have done is cost the taxpayers more money. So I am asking as a proud taxpayer of West Virginia, let us prosper and not be listed as one of the poorest states in Our Great Nation.

Response 5: Related to comment 5 supporting the registration application, the comment has been reviewed and is noted.

Comment #6: I oppose Mountaineer Gas to build its pipeline extension to Rockwool, enabling Rockwool to pollute our air and water and ushering in a heavy industrial invasion of our communities. The citizens of West Virginia and Loudoun do not want polluters within 2 miles to 4 schools/2 daycares, and very close to beautiful farms/wineries.

Jefferson County is a valley and often sees effects of temperature inversions, holding pollutions closer to the ground, affecting the air quality. Allowing building of a gas pipeline to build Rockwool will destroy our clean air and water as well as our established way of life. Please send Rockwool back to Denmark and let them spread their pollution in their own country.

Response 6: See Section A: General Comment Response, paragraph B

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Comment #7: I oppose Mountaineer Gas to build its pipeline extension to Rockwool, enabling Rockwool to pollute our air and water and ushering in a heavy industrial invasion of our communities. The citizens of West Virginia and Loudoun do not want polluters within 2 miles to 4 schools/2 daycares, and very close to beautiful farms/wineries. Jefferson County is a valley and often sees effects of temperature inversions, holding pollutions closer to the ground, affecting the air quality. Allowing building of a gas pipeline to build Rockwool will destroy our clean air and water as well as our established way of life. Please send Rockwool back to Denmark and let them spread their pollution in their own country.

Response 7: See Section A: General Comment Response, paragraph B

Comment #8: I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. We do not want the pipeline, its damage to our water supplies, or the industry that will surely follow. Please honor the will of Jefferson County residents. No pipeline!

Response 8: See Section A: Comment Response, paragraph B

Comment #9: Clean water is a necessity for healthy living, and the risk this pipeline puts on clean water and the safety of our citizens is lecherous. I ask you, what is more important? The health and welfare of humans, or the greed of corporations? I believe the answer is obvious. Do you? A storm water permit for construction should NOT be granted.

Response 9: See Section A: General Comment Response, paragraph B

Comment #10: I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. You know the wide spread opposition to this criminal foreign corporation destroying our state. It is unsafe in our karst geology, Rockwool is not wanted here and will never be allowed. Maryland has rejected the pipeline. So they have been lying the entire time. Now the company has other plans, they are criminals and undoubtedly they have gotten to the DEP the entire state knows everyone of you is corrupt. We will follow you everywhere for eternity. There is nowhere to hide you stolen money or repair the damage you constantly cause by granting these criminals permits. You will be held responsible for crimes against humanity.

Response 10: See Section A: General Comment Response, paragraph A

Comment #11: Thank you for your time and consideration. I'm writing to you in case I cannot make it to the DEP hearings Ranson, WV about the pipeline. I understand there is some concern about pipelines running through certain geological formations and the risk of spills of toxic material that could result. I realize that road transport may or may not be more hazardous than pipe transport in the long run. My concern and want is that there be financial and engineering safeguards by the owner of the pipeline that are guarantees the safety of those who might be impacted by a spill. In the absence of such real safeguards I believe public trust is eroded. WV has a public history in recent news of bypassing safety regulations in order to safeguard profits for a few. We can do better.

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Response 11: See Section A: General Comment Response, paragraph A

Comment #12: I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. Karst geology, endangered animals, unwanted industry...you've heard it all. The tides are turning, and it's the perfect time to say no to this pipeline.

Response 12: See Section A: General Comment Response, paragraph A

Comment #13: I am also concerned that the construction areas are full of vulnerable sinkholes and karst terrain. It is a poorly chosen site to receive a heavy industrial gas line. Look at all the houses that blew up in other states or caught on fire in recent news? There is too much risk and negatives to build a pipeline to Rockwood. Our health is not for sale.

Response 13: See Section A: General Comment Response, paragraph A

Construction Stormwater Permit Registration Response to Non-Specific Comments

During the recognized comment period, WVDEP received comments from thirty-six (36) individuals expressing general opposition to the proposed activity associated with this Registration Application. However, these commenters did not provide any permit specific comments. While all comments were reviewed, it is beyond the purview of the Division of Waste and Water Management to evaluate comments that are not specifically related to program requirements. WVDEP will include all received comments in the application record. Duplicates have been removed.

(1) I sincerely oppose the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. I am a lifelong resident and the heavy industry these utilities will be servicing will ruin my family home. Please do the right thing for the citizens.

(2) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. I am also concerned about the premise for the need for these risks to be taken. My understanding is that currently the only customer for this pipeline would be Rockwood, who is incredibly controversial with several lawsuits against it, one which challenges the zoning of the land and, if successful, would revert the zoning back to one that doesn't allow heavy industry.

(3) I am a resident and I vote. We don't need Rockwood. We don't need a pipeline for them. This whole thing is shady - how did they sneak through so many permit steps before the public even knew. Send them somewhere that would welcome heavy industry. Not here!

(4) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. It is time to stop the pipelines.

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(5) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction.

(6) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. We do NOT want Mountaineer Gas to build its pipeline extension to Rockwool, enabling that company to pollute our air and water and ushering in a heavy industrial invasion of our communities. Thank you so much for all the actions you've previously taken.

(7) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. There are far too many "what-ifs" concerning the extension into the fragile topography and ecosystems in our county. Far too many residents have raised concerns about the quality of life we be faced with if heavy industry is allowed to grow here. We have seen way too many examples throughout this state and others to not understand the consequences of poor decision-making.

Please listen to those who understand the complexity of our situation and do what is right for the safety and health of Jefferson County.

(8) I'm writing to oppose the Mountaineer Gas Pipeline Extension into Jefferson County, application number WVR311281.

(9) I oppose Mountaineer Gas to build its pipeline extension to Rockwool, enabling Rockwool to pollute our air and water and ushering in a heavy industrial invasion of our communities. The citizens of West Virginia and Loudoun do not want polluters within 2 miles to 4 schools/2 daycares, and very close to beautiful farms/wineries. Jefferson County is a valley and often sees effects of temperature inversions, holding pollutions closer to the ground, affecting the air quality. Allowing building of a gas pipeline to build Rockwool will destroy our clean air and water as well as our established way of life. Please send Rockwool back to Denmark and let them spread their pollution in their own country.

(10) I am writing in opposition to the Mountaineer Gas Pipeline Extension. It should not be given a stormwater permit for construction. Heavy industry has no place in Jefferson County and certainly not within 3000 feet of an elementary school and within 2 miles of 1,200 students in Jefferson County. It's incomprehensible to me how a company like Rockwool could have even reached this point in development on a project that is opposed by perhaps 80 to 90% of the good people of this county. West Virginia is not a Dumping Ground for heavy industry from other countries. I'm greatly concerned for my two children who are 11 and 9 in attendees' schools and it is our human right to have clean air and safe drinking water. I'm already concerned with my drinking water coming out of the Potomac River let alone adding to that a toxic Factory just miles away. Please stand up for the good people of Jefferson County who love our children and just want them to be safe and healthy as is their human right.

(11) I am writing as a citizen of Jefferson County on behalf of my two young children and my husband. Please protect our environment. We deserve clean water, clean air and a clean environment.

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EXHIBIT FIVE

Wandling, Jason E

From: Mullins, Sharon A
Sent: Wednesday, January 23, 2019 10:42 AM
To: Adams, Rick D; George, Tommy A; McGee, James L; reedrobinson@mgcwv.com; Douglas, Barbara; Ivey, Walter M; Bennett, Danny A; 'susan.a.porter@usace.army.mil'; Pierce, Susan M
Subject: Draft WVR311281
Attachments: Draft, WVR311281.docx; PN & PH WVR311281.rtf

Mountaineer Gas Company
 Attn: Reed Robinson
 414 Summers St
 Charleston, WV 25301

Your forms for General Permit Registration Permit# WVR311281 have been found to be complete.

For your information, the public notice period prescribed in Title 47, Series 10, Section 12.1.b of the West Virginia Legislative Rules issued pursuant to Chapter 22, Article 11 commences on the 25th day of January 2019 in the Journal newspaper.

Within twenty (20) days after publication of the public notice, you are required to send to the Office a certificate of publication. This should be sent to:

Director, Division of Water and Waste Management, DEP
 601 57th Street SE
 Charleston, WV 25304-2345
 Attention: Sharon Mullins

Attached are copies of your draft permit registration, any required fact sheet and the public notice. If you have any questions, please do not hesitate to contact this office at 304-926-0499 ext 1132 or e-mail me at Sharon.A.Mullins@wv.gov. Thank you,

Sharon A. Mullins
 WV DEP - Division of Water & Waste Mgmt
 601 57th St. SE
 Charleston, WV 25304-2345
 Phone# (304) 926-0499 Ext 1132
Sharon.A.Mullins@WV.Gov

Mountaineer Gas Company
Attn: Reed Robinson
414 Summers St
Charleston, WV 25301
(304) 347-0519

Physical Site Location: Co Rt 1, Kearneysville

Please be advised that this e-mail constitutes approval for your project associated with Oil and Gas Construction Activities and your registration no. is WVR311281. You are now authorized to operate under WV General Water Pollution Control Permit No. WV0116815, issued on May 13, 2013.

You should carefully read the contents of this General Permit and become familiar with all requirements needed to remain in compliance with your permit. A "Notice of Termination" form is to be submitted electronically when all disturbed areas are stabilized. You can find the permit and Notice of Termination form via the Internet by visiting Permitting, Division of Water and Waste Management at www.dep.wv.gov. Your annual permit fee has been assessed as \$1,000.00. You will be invoiced by this agency upon the anniversary date of this approval date. Failure to submit the annual fee within ninety (90) days of the due date will render your permit void upon the date you are mailed a certified written notice to that effect. Please be advised that a pro-rated annual permit fee may be assessed upon the completion date and proper stabilization. If you have any questions relative to this approval, please do not hesitate to contact Rick Adams at (304) 926-0499 Ext 1359 or by email at Rick.D.Adams@wv.gov.

**State of West Virginia
Department of Environmental Protection
Division of Water and Waste Management**

PUBLIC NOTICE and PUBLIC HEARING

**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S, PUBLIC INFORMATION
OFFICE, 601 57TH STREET SE, CHARLESTON, WEST VIRGINIA 25304-2345 TELEPHONE: (304) 926-0440.**

**APPLICATION FOR COVERAGE UNDER THE GENERAL WEST VIRGINIA WATER POLLUTION
CONTROL PERMIT NO. WV0116815**

Public Notice No.: SM-4-2019

Public Notice Date: January 25, 2019

Paper: The Journal

The following has applied for coverage under the General WV/Water Pollution Control Permit No. WV0116815 for this facility or activity:

Appl. No.: WVR311281

Applicant: MOUNTAINEER GAS COMPANY
414 SUMMERS ST
CHARLESTON, WV 25301

Location: Near KEARNEYSVILLE, BERKELEY COUNTY

Latitude: **Ex. 6 Personal Privacy (PP)**

Receiving Stream:
Shaw Run/Evans Run/Opequon Creek/Potomac River

Activity:
The proposed Route 9 Extension Pipeline Project (Project) will disturb 32.64 acres and consists of the installation of approximately 4.93 miles natural gas distribution pipeline in Berkeley and Jefferson Counties, West Virginia, and involves construction of approximately 4.93 miles of natural gas distribution line. The project includes access roads, 17.69 acres entirely within the Department of Highways Right-of-way and 14.95 acres of private Right-of-way (ROW).

Business conducted:
Route 9 Extension

Implementation:
N/A

On the basis of review of the application the "Water Pollution Control Act (Chapter 22, Article 11-8(a))," and the "West Virginia Legislative Rules," the State of West Virginia will act on the above application.

Any interested person may submit written comments on the site registration permit application by addressing such to the Director of the Division of Water and Waste Management within 30 days of the date of the public notice. Such comments or requests should be addressed to:

Director, Division of Water and Management, DEP
ATTN: Sharon Mullins, Permitting Section
601 57th Street SE
Charleston, WV 25304-2345

The public comment period begins January 25, 2019 and ends February 25, 2019. A public hearing has been scheduled from 6 to 8 p.m. on Thursday, February 21, 2019 at:

Ranson Civic Center
431 W. 2nd Ave.
Ranson, WV 25438

The purpose of the hearing is to take comments on the draft permit that will cover the discharge of stormwater during construction activities.

Oral and written comments will be accepted at the hearing. After the public hearing, the comment period will continue until 8 p.m. on Friday, February 25, 2019.

A copy of the draft permit can be obtained by calling Sharon Mullins, Division of Water & Waste Management, (304) 926-0499, ext. 1132; or e-mail her at Sharon.A.Mullins@WV.Gov.

Comments received within this period will be considered prior to acting on the permit application. Correspondence should include the name, address and the telephone number of the writer and a concise statement of the nature of the issues raised. The Director shall hold a public hearing whenever a finding is made, on the basis of requests, that there is a significant degree of public interest on issues relevant to the site registration permit application and this facility's coverage under the General Permit. Interested persons may contact the Public Information Office to obtain further information.

The application may be inspected, by appointment, at the Division of Water and Waste Management Public Information Office, at 601 57th Street SE, Charleston, WV, between 8:00 a.m. and 4:00 p.m. on business days. Copies of the application and the General Permit and Fact Sheet may be obtained from the Division at a nominal cost. Individuals requiring Telecommunication Device (TDD) may contact our agency by calling (304) 926-0493. Calls must be made 8:30 a.m. to 3:30 p.m. Monday through Friday.

EXHIBIT SIX

Wandling, Jason E

From: Adams, Rick D
Sent: Friday, April 26, 2019 2:43 PM
To: Ex. 6 Personal Privacy (PP)
Subject: RE: Pipeline along cemetery boundary

Ex. 6 Personal Privacy (PP)

Thank you for your inquiry. It is truly appreciated.

The West Virginia Department of Environmental Protection does not have jurisdiction over pipeline routing or siting, or historical preservation.

WVDEP only has jurisdiction over the environmental permit associated with this project (WVR311281 – State General Water Pollution Control Permit to regulate the discharge of stormwater runoff associated with oil and gas related construction activities). WVDEP can only enforce the terms and conditions of that permit.

To ensure that your concerns are addressed by the appropriate authorities, please contact the West Virginia Division of Culture and History's State Historic Preservation Office (SHPO) and the Public Service Commission of West Virginia.

West Virginia Division of Culture and History's State Historic Preservation Office (SHPO)
<http://www.wvculture.org/shpo/shpoindeindex.aspx>

Public Service Commission of West Virginia
<http://www.psc.state.wv.us/contactus.htm>

Thank you,

Rick Adams

Technical Analyst Associate
 WVDEP – Division of Water and Waste Management
 601 57th Street, SE
 Charleston, WV 25304
 Office – 304-926-0499 Ext. 1354

Ex. 6 Personal Privacy (PP)

Rick.d.adams@wv.gov

From: Ex. 6 Personal Privacy (PP)
Sent: Friday, April 26, 2019 1:56 PM
To: Adams, Rick D <Rick.D.Adams@wv.gov>
Subject: Re: Pipeline along cemetery boundary

If you can provide any updates by the end of the day or provide information regarding any further action that I can take, I would greatly appreciate it.

Thanks,

Ex. 6 Personal Privacy (PP)

From: Ex. 6 Personal Privacy (PP)

Sent: Friday, April 26, 2019 12:24:23 PM

To: Adams, Rick D

Subject: Re: Pipeline along cemetery boundary

Due to the proximity of the Mountaineer gas pipeline to the cemetery and areas of soil remediation conducted through the Voluntary Remediation Program, I--on behalf of descendants and trustees of the cemetery-- ask that Mountaineer considers adjusting their map to avoid potential impact on the cemetery, including unmarked graves, due to blasting, digging, and possible runoff containing hazardous chemicals on the site. Mountaineer plans to run the pipeline up Granny Smith Lane, across from the cemetery, and it is our hope that instead of running the pipeline directly up the back border of the cemetery, they consider continuing the line straight through the property (beyond the old chemical shed) then run the line northward a more reasonable distance from the cemetery.

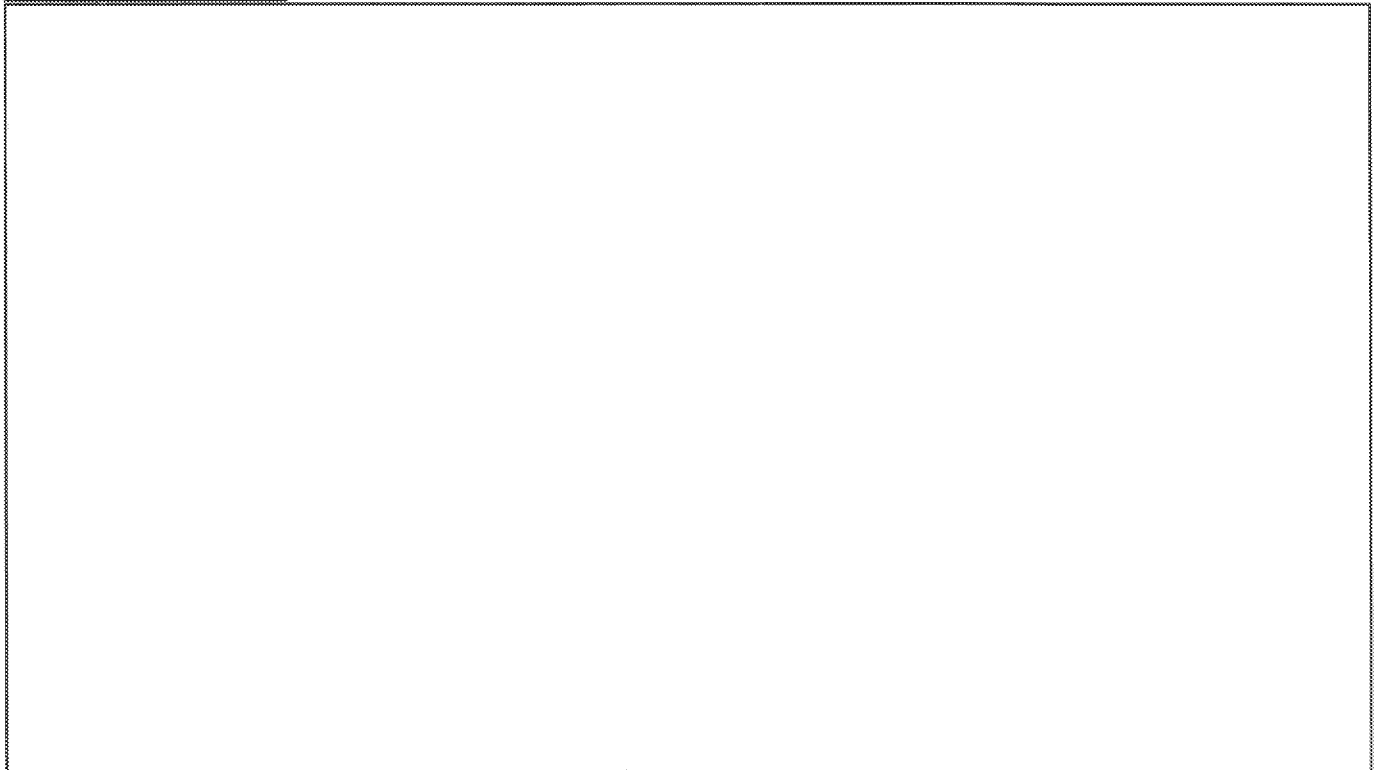
Thank you for your consideration,

Ex. 6 Personal Privacy (PP)

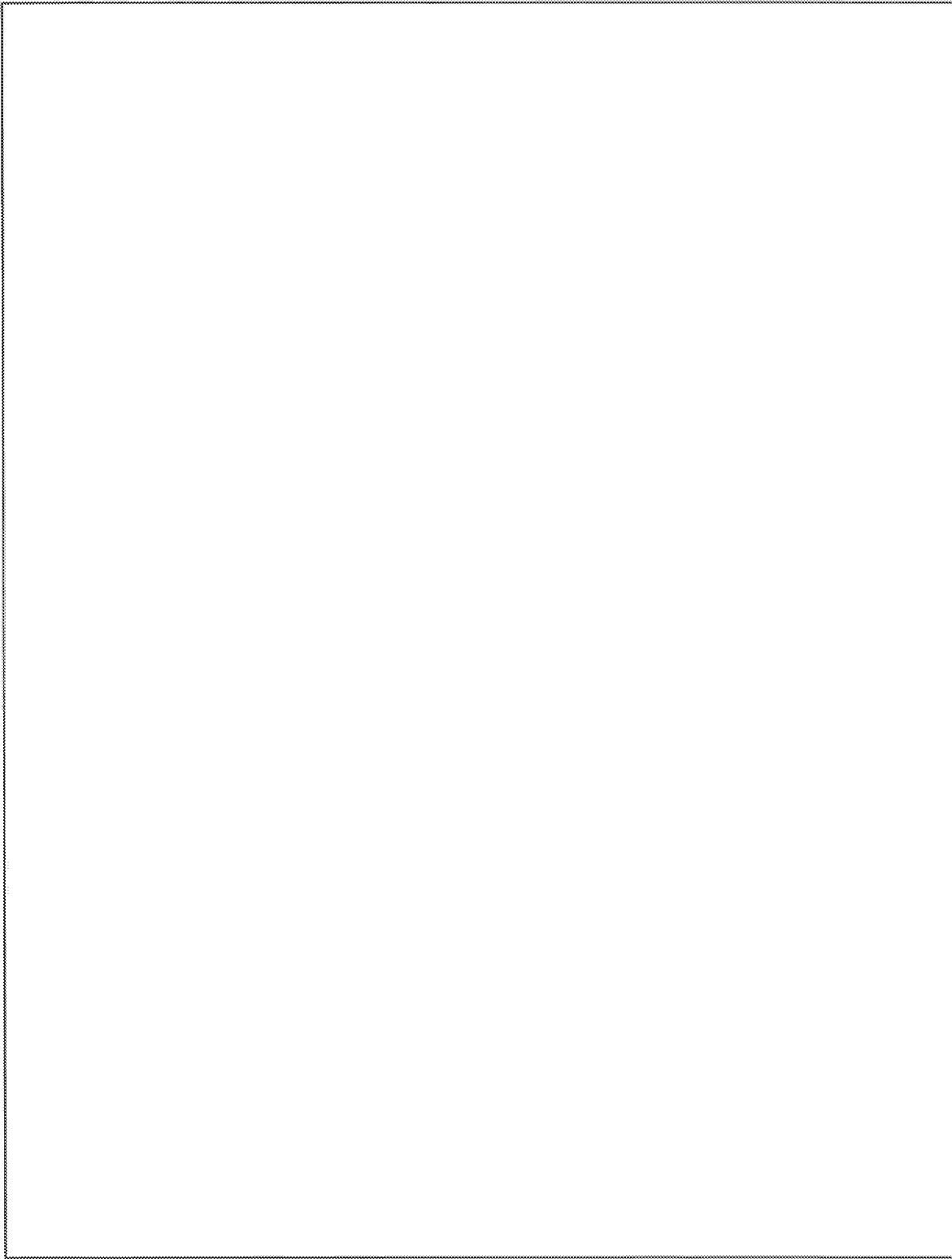
All documents related to VRP on the project site can be found here: <https://dep.wv.gov/news/Pages/RockwoolInformation.aspx>



Pictured: Chemical shed on the right, Cemetery is located within the wooded area. The road is Granny Smith Lane.



Pipes on the Rockwool property behind graves



From: Ex. 6 Personal Privacy (PP)

Sent: Friday, April 26, 2019 10:18:30 AM

To: Adams, Rick D

Subject: Re: Pipeline along cemetery boundary

Is there a specific person at Mountaineer I should contact? You are the person listed for appealing the permit and although I am not telling you to revoke their permit, the descendants are asking for an adjustment to the path of the pipeline behind the cemetery so that it is not so close to the cemetery. There are plantings in the back of the cemetery that mark graves so it would be very upsetting if Mountaineer had to cut any of these plants back because of their proximity. I feel as though this issue could be easily resolved and I hope you will encourage Mountaineer to make a responsible decision.

Thank you,

Ex. 6 Personal Privacy (PP)

From: Adams, Rick D <Rick.D.Adams@wv.gov>
Sent: Thursday, April 25, 2019 3:51:18 PM
To: Ex. 6 Personal Privacy (PP)
Subject: RE: Pipeline along cemetery boundary

I did review and forward the information to Mountaineer. You contacting SHPO is the correct approach in this matter.

Thank you,

From: Ex. 6 Personal Privacy (PP)
Sent: Thursday, April 25, 2019 3:13 PM
To: Adams, Rick D <Rick.D.Adams@wv.gov>
Subject: Re: Pipeline along cemetery boundary

Have you had time to look over the information or talk to Mountaineer about the issue?

Thanks for your time,

Ex. 6 Personal Privacy (PP)

From: Ex. 6 Personal Privacy (PP)
Sent: Wednesday, April 24, 2019 1:48:05 PM
To: rick.d.adams@wv.gov
Subject: Re: Pipeline along cemetery boundary

Please keep me posted about the status of this issue or let me know if there is someone else I should contact.

Thanks again,

Ex. 6 Personal Privacy (PP)

From Ex. 6 Personal Privacy (PP)

Sent: Wednesday, April 24, 2019 12:47:36 PM

To: rick.d.adams@wv.gov

Subject: Pipeline along cemetery boundary

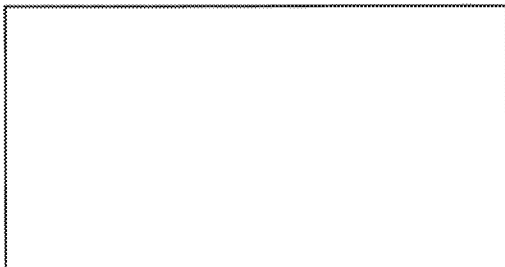
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Thank you,

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

https://docs.google.com/document/d/1KZz4MMwl2No53lm1_ApS6ODubSpKyA4X0Q1VkJg7GJ0/edit?usp=sharing



Boyd-Carter/Kearneysville Methodist
Cemetery

docs.google.com

West Virginia Cemetery Inventory Survey\u000B 1. Trinomial
Number: 46JF507 2. Cemetery Name, Historic/Common:

Boyd Carter Memorial Cemetery. The original deed only refers to the cemetery as a "burying ground." Over the years, those laying their loved ones to rest have developed various names for the ...

Wandling, Jason E

From: Adams, Rick D
Sent: Thursday, April 25, 2019 3:33 PM
To: Ex. 6 Personal Privacy (PP)
Subject: FW: Pipeline along cemetery boundary

Hello Ex. 6 Personal Privacy (PP)

Per phone conversation with Ex. 6 Personal Privacy (PP) yesterday I told her this is beyond my purview but I would forward her concerns to the company.

Thanks,

Rick Adams
 Technical Analyst
 WVDEP – Division of Water and Waste Management
 601 57th Street, SE
 Charleston, WV 25304
 Office – 304-926-0499 Ext. 1354
 Ex. 6 Personal Privacy (PP)
Rick.d.adams@wv.gov

From: Ex. 6 Personal Privacy (PP)
Sent: Wednesday, April 24, 2019 1:48 PM
To: Adams, Rick D <Rick.D.Adams@wv.gov>
Subject: Re: Pipeline along cemetery boundary

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Thanks again,

Ex. 6 Personal Privacy (PP)

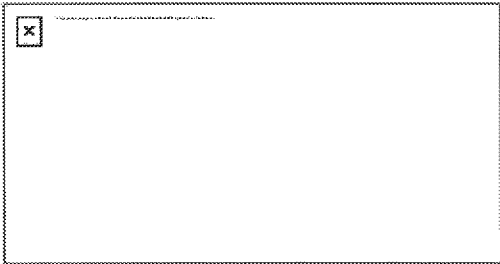
From: Ex. 6 Personal Privacy (PP)
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Subject: Pipeline along cemetery boundary

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https://docs.google.com/document/d/1KZz4MMwl2No53Im1_ApS6ODubSpKyA4X0Q1VkXg7GJ0/edit?usp=sharing



Boyd-Carter/Kearneysville Methodist Cemetery

docs.google.com

West Virginia Cemetery Inventory Survey\u000B 1. Trinomial Number: 46JF507 2. Cemetery Name, Historic/Common: Boyd Carter Memorial Cemetery. The original deed only refers to the cemetery as a "burying ground." Over the years, those laying their loved ones to rest have developed various names for the ...

Wandling, Jason E

From: Adams, Rick D
Sent: Thursday, April 25, 2019 3:51 PM
To: [Ex. 6 Personal Privacy (PP)]
Subject: RE: Pipeline along cemetery boundary

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Sent: Thursday, April 25, 2019 3:13 PM
To: Adams, Rick D <Rick.D.Adams@wv.gov>
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Thanks again,

[Ex. 6 Personal Privacy (PP)]

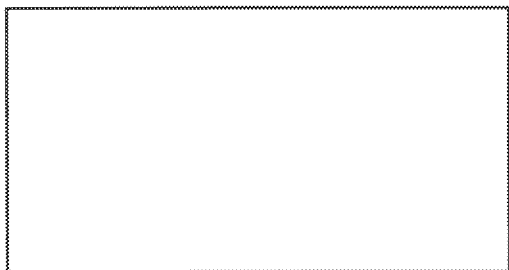
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Thank you,

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Boyd-Carter/Kearneysville Methodist Cemetery

docs.google.com

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EXHIBIT SEVEN

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

Ex. 6 Personal Privacy (PP)

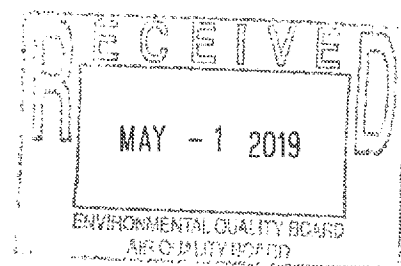
Appellant,

**v.
DIRECTOR, DIVISION OF
Water and Waste Management
DEPARTMENT OF
ENVIRONMENTAL PROTECTION, and**

MOUNTAINEER GAS COMPANY,

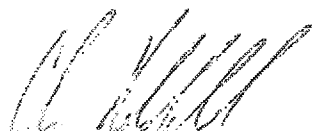
Appellee.

Appeal No. 19-07-EQB



RULE 11 CERTIFICATION

I, Christian J. Riddell, do swear that I have reviewed the filing and information contained herein and, based on my review, believe that the appeal attached hereto is in compliance with Rule 11 of the West Virginia Rules of Civil Procedure.



Christian J. Riddell, Esq. State Bar#12202
Stedman & Riddell
329 S. Queen Street Martinsburg, WV 25401
(304) 267-3949

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

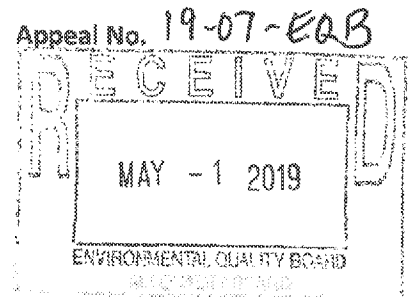
Ex. 6 Personal Privacy (PP)

Appellant,

v.
DIRECTOR, DIVISION OF
Water and Waste Management
DEPARTMENT OF
ENVIRONMENTAL PROTECTION, and

MOUNTAINEER GAS COMPANY,

Appellee.



NOTICE OF APPEAL

Action Complained Of: The Appellant named above respectfully represent(s) that he is aggrieved by the issuance of a storm water permit (#WVR311281) dated (Application Date) December 7, 2018; the project was resubmitted on February 14, 2019; (Issue Date) March 29, 2019.

Relief Requested: The Appellant therefore prays that this matter be reviewed and that the Board grant the following relief to wit: requesting an emergency stop work order and vacating and holding for naught the permit (#WVR311281) issued on March 29, 2019.

Specific Objections: The specific objections to the action, including both questions of fact and law to be determined by the Board, are set forth in detail in separate numbered paragraphs and attached hereto.

Dated this 29 day of April, 2019.

Ex. 6 Personal Privacy (PP)

(Address)

Harper Ferry WV 25425

Ex. 6 Personal Privacy (PP)

(Telephone)

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

Ex. 6 Personal Privacy (PP)

Appellant,

v.

Appeal No.

**DIRECTOR, DIVISION OF
Water and Waste Management
DEPARTMENT OF
ENVIRONMENTAL PROTECTION. and**

MOUNTAINEER GAS COMPANY,

Appellee.

SPECIFIC OBJECTIONS AND RELIEF REQUESTED

Now comes Appellant, Ex. 6 Personal Privacy (PP) and files his *Notice of Appeal and Motion to Stop Work Order* on Mountaineer Gas Company Route 9 Extension Project Permit (# WVR311281) issued date March 29, 2019.

Appellant makes the following specific objections pursuant to WV CSR §46-4-2(c).

Specific Objections:

1. Petitioner submits Notice of Appeal because the Department of Environmental Protection (DEP) requires that participation by the public in reviewing and commenting on an application for a permit is issued. The Department of Environmental Protection uses various means to ensure adequate public notice is provided whenever there is an application for a permit as listed in the *Permit Hearing and Appeals Guide* provided by the Department of Environmental Protection.

According to the document *Permit Hearing and Appeals Guide* prepared By The West Virginia Department of Environmental Protection and Office of Environmental Advocate, (page 2):

When an individual or business submits a completed permit application form, a DEP permit team reviews the document to ensure all the necessary questions have been answered. After a preliminary determination has been made that the permit application is administratively complete, the DEP will assign a permit application number for the draft permit, and the DEP or the company will provide notice to the public that the permit is available for a 30-day review and

comment period. The review and comment period may vary, depending on the type of permit. A public notice will be published in the legal advertisement section of a local newspaper..."

Petitioner believes the above language proffered by the Department of Environmental Protection is to ensure that the public actively participates.

- a. Mountaineer Gas Company Route 9 Extension Project, (WVR311281 Stormwater Permit), was scheduled for a February 21, 2019 public hearing. Five days prior the DEP issued a press release canceling the hearing due to safety concerns.
 - b. The public made numerous attempts to reschedule the Mountaineer Gas Company public hearing even requesting the Jefferson County Commission to send a letter ensuring the county would take all appropriate measures to make sure the safety of all concerned.
 - c. The West Virginia Department of Environmental Protection Water and Waste Management Division failed to respond to the public's request.
 - d. The West Virginia Division of Water and Waste Management failed to acknowledge and or respond to the written public comments that were filed prior to the permit being issued. (Public comment period was from Jan 25, 2019 to Feb 25, 2019).
2. Separate and apart from the failure of the DEP, to follow its own procedural requirements, prior to approving the permit in this matter, the Petitioner says based on the following facts the granting of the permit is in error and should be vacated.
- a. Mountaineer Gas Company Route 9 Extension Project failed to include the Endangered Species Act due to the fact this project is within the proximately and/or crossing through wetlands and waterways, as listed in their permit request.
 - b. Previous permit requests within the Route 9 Extension that included Jefferson County Utilities (Permit# WVR109150) Waterline Extension and the Charles Town Utility Board (Permit# WVR109958) Route 9 Sewer Extension included the Endangered Species requirements set forth

by the Department of Interior Fish and Wildlife, was ignored by this additional Route 9 Extension project. These two projects resulted in one release for both projects that confirmed the Madison Cave Isopod, an endangered species, is present and safety protocol should be implement to ensure their survival. The Department of Interior Fish and Wildlife and Wildlife Service File (# 2018-I-0498), The Wetland Studies and Solutions, Inc. report (WSSI#30073.02) and the Conservation code (# 05E2WV00-2018-SLI-0498) both of these reports acknowledge the existence of the Madison Cave Isopod and gave protocol to ensure the safety of this endangered species.

c. Mountaineer Gas Company Route 9 Extension Project has ignored the requirements of the Endangered Species Act and an immediate stop work order request to preserve the integrity of the wetlands and waterways that the Madison Cave Isopod call home.

d. As an overview of this Appeal, this application was fast tracked, public hearings as required by its own rules and procedures were ignored, by the DEP. Written public comments were disregarded and or ignored and the permit was approved by Ashton Caperton, even though his staff suggested otherwise. There have been numerous articles to corroborate that this Mountaineer Gas Company Route 9 Extension should not be allowed until further studies and safety concerns of the KARIS topography and existing sink holes and waterways. The above listed issues have not been properly addressed to ensure the mission statement of the West Virginia Department of Environmental Protection "To Provide a Healthy Environment"

Relief Requested

Based on the above, Appellant is requesting that the permit at issue be retracted, and all work being executed in reliance on said permit be ordered immediately halted, until such time as the above specific objections have been adjudicated.

Ex. 6 Personal Privacy (PP)

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

Ex. 6 Personal Privacy (PP)

Appellant,

**v.
DIRECTOR, DIVISION OF
Water and Waste Management
DEPARTMENT OF
ENVIRONMENTAL PROTECTION. and**

Appeal No.

MOUNTAINEER GAS COMPANY,

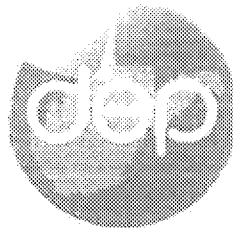
Appellee.

REQUIRED ATTACHMENTS

Pursuant to W.Va. CSR 46-4-2(d), Appellant includes the permit letter provided to Mountaineer Gas Company by the W.Va. Department of Environmental Protection on March 29, 2019 notifying Mountaineer Gas of their authorization to operate under Permit No WV0116815.

However, Appellant has been unable to produce said official permit because the document is contained on a secure site which cannot be accessed by members of the public. Appellant has submitted a FOIA request for said permit, and received a document with links leading to said permit. However, said hyperlink returns a blocked site for which Appellant, and likely all other members of the public, are prohibited.

Appellant requests that said document be produced in accordance with Appellant's FOIA request and attached to this Appeal.



 west virginia department of environmental protection

Division of Waster and Water Management
 601 57th Street SE
 Charleston West Virginia 25304-2345
 Phone: 304-926-0495
 Fax: 304-926-0496

Austin Caperton, Cabinet Secretary
 dep.wv.gov

March 29, 2019

MOUNTAINEER GAS COMPANY
 Reed Robinson
 414 SUMMERS ST
 Charleston, WV25301

Re: General Permit Registration No.
 WVR311328, Berkeley Co.
 Route 9 Extension (10/31/2018)
 Acres Permitted to be Disturbed (25.38)

Dear Permittee:

You are now authorized to operate under General Permit No. WV0116815 to discharge stormwater associated with Oil and Gas related construction activities. This registration form should be kept with your copy of the General Permit. You should carefully read the contents of the permit and become familiar with all requirements needed to remain in compliance.

Although you should be aware of all the terms and conditions of this permit, we wish to advise you of the following important requirements:

1. In accordance with Section G.4 of the General Permit, you have developed a complete storm water pollution prevention plan. This plan is to be retained on site and be available for review by the Director or the Director's authorized representative as of the date of your coverage by the General Permit, which is the date of this letter.
2. The erosion control measures approved by this Agency for this project shall be maintained in proper condition to individually and collectively perform the functions for which they were designed. In order to ensure the efficiency and proper maintenance of these measures, the permittee shall make sufficiently frequent, periodic inspections to detect any impairment of the designed stability, capacity or environmental requirements of the approved measures. The permittee shall take immediate steps to correct any such impairment found to exist.
3. If this Stormwater Pollution Prevention Plan (SWPPP) proves to be ineffective in controlling erosion and the sediment in storm water discharges associated with industrial/construction activities, or site conditions change, the Permittee shall amend the SWPPP and install appropriate sediment and/or control devices in accordance with Section G.4.c. of this permit and the application instructions

Promoting a healthy environment.

4. The current General Permit expires on March 01, 2024. If you wish to continue an activity authorized by this permit after the expiration date of the permit, provisions for coverage will be made during the public notice process for any new General Permit to be issued at that time.

5. Final stabilization means disturbed areas shall be covered by the appropriate permanent protection. Final stabilization includes: pavement; buildings; stable waterways (riprap, concrete, grass or pipe); a healthy, vigorous stand of perennial grass that uniformly covers at least 70 percent of the ground; stable outlet channels with velocity dissipation which directs site runoff to a natural watercourse; and any other approved structure or material.

You will be invoiced for your annual permit fees one month prior to the anniversary date of today's date. Failure to submit the annual fee within 90 days of the due date will render your permit void upon the date you are mailed a certified written notice to that effect. Please be advised that a pro-rated annual permit fee may be assessed upon the completion date and proper stabilization.

Issuance of this registration does not authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state or local law or rules.

The validity of this General Permit Registration is contingent upon payment of the applicable annual permit fee, as required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.

Issuance of this registration does not authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state or local law or rules.

Your efforts toward preventing the degradation of our natural resources are greatly appreciated. If you have any questions, please contact **Rick Adams** at (304) 926-0499 Ext. 1354 or by email at rick.d.adams@wv.gov.

Harold D. Ward
Acting Director
WV DEP-Division of Water & Waste Mgt.
601 57th St SE
Charleston, WV 25304-2345
Phone: (304) 926-0495
Fax: (304) 926-0463

From: [Ex. 6 Personal Privacy (PP)]
Sent: Tuesday, April 23, 2019 2:49 PM
To: DEP FOIA <DEPFOIA@wv.gov>
Subject: Mountaineer Gas Company Storm water permit, WR311281

[Ex. 6 Personal Privacy (PP)] under *West Virginia Code § 29B-1-1* of the *Freedom of Information Act* request a copy of the following document in it's entirety to wit:

Mountaineer Gas Company Storm water Permit WVR3112281 Issued 3-29-2019

Please enclose the complete file as to file an appeal to the Environmental Quality Board.

[Ex. 6 Personal Privacy (PP)]

Harpers Ferry, WV 25425

[Ex. 6 Personal Privacy (PP)]

From: DEP FOIA <DEPFOIA@wv.gov>
To: Ex. 6 Personal Privacy (PP)
Sent: Tuesday, April 23, 2019, 04:21:58 PM EDT
Subject: RE: FOIA Request #2019-04-086

Hello:

This letter is to acknowledge that the West Virginia Department of Environmental Protection's (DEP) Public Information Office received your Freedom of Information Act Request (FOIA) on April 23, 2019. Your request has been sent to the appropriate office(s) within our agency and you will be notified as to when you may review/copy/receive the requested information.

Information in agency files is available for public inspection. However, some material may be exempt from disclosure under the West Virginia Freedom of Information Act, Chapter 29B.

DEP also provides an informational service to the public. Visitors to the agency's website can subscribe to both a listing of permit actions open to public comment and updates on DEP news and events. To subscribe to these e-mail notifications, go to <http://www.dep.wv.gov/insidedep/Pages/DEPMailingLists.aspx>. Please submit all FOIA's to depfoia@wv.gov.

There is no charge to submit a FOIA request. However, there are charges associated with copying the requested information. The more common fees include \$0.25 per page for paper copies and \$10 per disc for electronic copies saved to CD/DVD. If you need further assistance, please contact me at 304-926-0499 ext. 1641.

Regards,

Terry Fletcher

WVDEP – Public Information

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

Ex. 6 Personal Privacy (PP)

Appellant,

**v.
DIRECTOR, DIVISION OF
Water and Waste Management
DEPARTMENT OF
ENVIRONMENTAL PROTECTION. and

MOUNTAINEER GAS COMPANY,**

Appeal No.

Appellee.

CERTIFICATE OF SERVICE

I, Ex. 6 Personal Privacy (PP) do hereby certify that I, on this 29th day of April, 2019 served the attached *Notice of Appeal, and Motion to Stop Work Order* (Mountaineer Gas Company Permit #WRV 311281) to the following parties:

By United States Mail, postage prepaid:

Jackie Shultz, Clerk, Original and 6 copies
Environmental Quality Board
601 57th Street, SE
Charleston, WV 25304

First Class Mail

Jason Wandling and distributed parties
WVDEP – Office of Legal Services
601 57th Street, SE
Charleston, WV 25304

First Class Mail

Harold Ward, Deputy Secretary for Operations
DEP, Water and Waste Management
601 57th Street, SE
Charleston, WV 25304

First Class Mail

Mountaineer Gas Company
P.O. Box 5201
Charleston, WV 25361-0201

First Class Mail

Ex. 6 Personal Privacy (PP)

cc:
EPA – Region III
1650 Arch St
Philadelphia, PA 19103

Via – Email
Vyas.himanshu@epa.gov

EXHIBIT EIGHT

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

Ex. 6 Personal Privacy (PP)

Appellant,

v.

Appeal No. 19-07-EQB

**DIRECTOR, DIVISION OF WATER AND
WASTE MANAGEMENT, DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Appellee,

and

MOUNTAINEER GAS COMPANY,

Intervenor/Appellee.

**ORDER GRANTING MOUNTAINEER GAS COMPANY'S
MOTION TO DISMISS APPEAL**

Background

The West Virginia Department of Environmental Protection ("WVDEP") relies on "general permits" for the control of sediment associated with construction activities. For facilities in the oil and gas industry, WVDEP has issued the Oil & Gas Construction Stormwater General Permit No. WV0116815 ("General Permit"). Entities seeking to use the General Permit must obtain a "registration" from WVDEP after submitting a complete "stormwater pollution prevention plan" for the agency's review and approval.

On March 29, 2019, WVDEP approved Mountaineer Gas Company's ("Mountaineer") stormwater permit registration WVR311281 ("Registration"). (*See* Certified Record at PP. 8-9). The Registration authorized Mountaineer to use the General Permit for land disturbance associated with Mountaineer's "Route 9 Extension" Project ("Project"). Mountaineer began

construction on the Project shortly thereafter. The General Permit and Mountaineer's registration to use it were issued under the terms of the West Virginia Water Pollution Control Act, W.Va. Code § 22-11-1 to -20.

Ex. 6 Personal Privacy (PP) ("Appellant") filed an appeal of Mountaineer's General Permit registration pursuant to W.Va. Code § 22-11-21 on April 29, 2019, claiming the registration should be rescinded on two grounds: 1) Appellant claims that WVDEP failed to follow its own procedural rules regarding public participation; and 2) Mountaineer ignored the requirements of the Endangered Species Act and in so doing, fail to protect the Madison Cave Isopod, a cave-dwelling crustacean listed as a threatened species. (See David Tabb's Notice of Appeal — Specific Objections and Relief Requested).

Mountaineer filed a motion to dismiss on May 7, 2019, contending, *inter alia*, that Appellant's objections related to public comment on Mountaineer's Registration fail to state a claim upon which relief can be granted and that the Endangered Species Act has no direct application to a purely state permit action. Mountaineer further noted that even though the Endangered Species Act has no direct application to WVDEP's registration, Mountaineer conducted a survey of potential habitat for the isopod and secured acknowledgement from the United State Fish & Wildlife Service that the permitted actions are unlikely to affect the isopod.¹

Mountaineer argues that the Appellant's objections raise purely legal questions lacking any merit, which can be resolved without the need for an evidentiary hearing. Mountaineer also asserts that Appellant failed to allege facts sufficient for the Board to find "standing."

¹ See MTD Exhibit 2, US Fish and Wildlife Service Acknowledgment Letter.

Mountaineer moved to dismiss this appeal for failure to state a claim in accordance with Rule 12(b)(6) of the West Virginia Rules of Civil Procedure or, in the alternative, grant summary judgment pursuant to Rule 56 of the West Virginia Rules of Civil Procedure.

On July 26, 2019, Mountaineer filed a supplemental motion to dismiss claiming that the Project has been substantially completed and, therefore the issues concerning the appeal were moot.

On July 29, 2019, a pre-hearing teleconference took place to address, *inter alia*, Appellant's motion to hold the appeal hearing in Jefferson County. The Board denied Appellant's request to change the location of the hearing.

On or about August 1, 2019, Appellant filed a motion to continue or postpone the hearing set for August 8, 2019. The Board granted Appellant's request and reset the matter for the December 12-13, 2019, Docket.

At the pre-hearing teleconference held on July 29, 2019, the Board instructed the Appellant to file a response to Mountaineer's Motion to Dismiss. Appellant was given until August 28, 2019, to file a response. The Board further instructed the parties to address whether the appeal was now "moot." The parties were given until August 2, 2019, to file a response.

In addition, the Board notified the parties it planned to meet and deliberate concerning Mountaineer's Motion to Dismiss on September 12, 2019. The Appellant filed a motion in an attempt to postpone or delay the Board's deliberation. The Appellant also requested a discovery conference. (*See* Appellant's Motion to Continue received September 9, 2019).

The Board has the authority under W. Va. Code §§ 22B-1 *et seq.*, to meet and consider motions and to subsequently issue orders. Therefore, the Appellant's motion to postpone the Board's deliberation is denied. Appellant's request for a discovery conference is premature and such a request does not preclude the Board from ruling on Mountaineer's Motion to Dismiss. The Appellant has been given plenty of time to obtain discovery in accordance with W. Va. Code § 22B-1-8. To the Board's knowledge, Appellant has not engaged in any limited discovery with the parties in accordance with W. Va. Code § 22B-1-8(b). Also, the Appellant has not filed any petitions with the Board to obtain discovery in accordance with W. Va. Code §22B-1-8(a).

On or about August 27, 2019, Appellant filed a response to Mountaineer's Motion to Dismiss. Thereafter, on September 12, 2019, a quorum of the Board met via teleconference to deliberate on Mountaineer's Motion to Dismiss.

After considering the pleadings, WVDEP General Permit No. WV0116815, the Certified Record, and any other documents or information presented, the Board hereby grants Mountaineer's Motion to Dismiss because the Appellant's objection related to the Madison Cave Isopod and his objection regarding public comment on Mountaineer's registration fail to state or establish a claim upon which relief can be granted.²

Discussion

The Board, in its administrative discretion, and in the interests of fairness and justice, may rule on motions which tend to regulate the course of hearing, simplify the issues, and dispose of procedural requests or similar matters. See W. Va. Code R. § 46-4-5.2. Pursuant to W. Va. Code § 22B-1-7, Rules 5.3 and 6.13 of the Board's Procedural Rules, and W. Va. R. Civ. P. 56(c), the Board is authorized to grant a motion to dismiss or enter summary judgment in any appeal pending before it.

² The Board shall not address whether Appellant has "standing" or whether the appeal is now "moot."

Generally, a motion to dismiss should be granted where it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations. *See Forshey v. Jackson*, 222 W. Va. 743, 671 S.E.2d 748 (2008). In addition, if matters outside pleadings are presented to the court on motion to dismiss for failure to state a claim, and are not excluded, the motion should be treated as one for summary judgment. *See Poling v. Belington Bank, Inc.*, 207 W. Va. 145, 529 S.E.2d 856 (1999).

Summary Judgment is appropriate whenever a moving party has shown that there is no genuine issue as to any material fact and that it is entitled to judgment as a matter of law. W. Va. R. Civ. P. 56(c); *Painter v. Peavy*, 451 S.E.2d 755, 758 (W.Va. 1994). Indeed, when the requirements are met, the West Virginia Supreme Court of Appeals encourages the entry of summary judgment as a means of “effect[ing] a prompt disposition of controversies on their merits without resort to a lengthy trial....” *Williams v. Precision Coil, Inc.*, 459 S.E.2d 329, 335 (W.Va. 1995).

1. Appellant’s objections related to public comment on Mountaineer’s Registration fail to state or establish a claim upon which relief can be granted.

Appellant asserts WVDEP failed to adequately provide for public participation in the consideration of WVR0311281 by failing to respond to the public’s request for hearing and failing to respond to public comments prior to issuing Mountaineer’s registration. (*See Notice of Appeal*, ¶¶1.c, d). Appellant does not allege that any specific law, rule, or permit condition was violated. He did, however, cite to the Office of Environmental Advocate Permit Hearing and Appeals Guide, which is not a statute, rule, or legal document.

The General Permit requires public notice for “large construction projects that will discharge to Tier 3 waters or that will disturb 100 or more acres, or that the grading phase of construction will last for more than one year....” (*See General Permit*, p. 17, § G.5.b.4.)

Mountaineer's Project will not discharge to any Tier 3 waters,³ is under 100 acres,⁴ and will be completed in under a year.⁵ Therefore, it does not satisfy any of the criteria triggering the public notice procedure.

Although WVDEP was not required to provide for public comment, it did advertise the project for public comment on January 25, 2019, and provided a response to public comments on March 29, 2019. (*See* Mountaineer's MTD Exhibit 1 - WVDEP Responsiveness Summary. After review, WVDEP approved Mountaineer's application and issued WVR311281 on March 29, 2019.

Appellant's main objection regarding the public's participation is that WVDEP did not hold a public hearing. But, the agency was not obligated to hold a public hearing for Mountaineer's Project. *See* W. Va. Code R. §47-10-12.3a. "The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest on issues relevant to the draft permit(s)." Thus, holding a public hearing is not mandatory. In the present case, WVDEP concluded that an "elective" public hearing was not warranted. (*See attached* WVDEP News Release dated April 4, 2019).

Appellant also claimed that WVDEP failed to acknowledge and/or respond to written public comments that were filed prior to the permit being issued. However, as noted above, the WVDEP responded to public comment. (*See* Certified Record at pp. 191-199); (*See* Mountaineer's MTD Exhibit 1). WVDEP is not required to respond to public comments prior to approving a registration. WVDEP is required by legislative rule to respond to comments at the

³ *See Mountaineer's MTD* Exhibit 5, Storm Water Pollution Prevention Plan & Groundwater Protection Plan, p. 4 ("No Tier 3 streams were identified in the Route 9 Extension Project Area.").

⁴ *See Mountaineer's MTD* Exhibit 1, p. 1 (WVDEP Responsiveness Summary) ("The total limit of disturbance (LOD) for the overall project is 25.38 acres, including temporary workspace.").

⁵ *See Mountaineer's MTD* Exhibit 5, p. 4 ("Construction of the Route 9 Extension Project is scheduled to start in March 2019 and the estimated completion date is December 2019.").

time it issues a permit or registration, just as it did here: “[a]t the time that any final permit is issued, the Director shall issue a response to comments.” W. Va. Code R. § 47-10-12.5.a.

Appellant’s issues regarding WVDEP’s public notice for WVR311281 are generalized grievances about the law governing public notice procedure for NPDES permits. Such generalized grievances regarding the law do not state a claim for which this Board can grant relief.

2. Appellant’s objections regarding the Madison Cave Isopod failed to state or establish a claim upon which relief can be granted.

Appellant claims that “Mountaineer Gas Company Route 9 Extension Project has ignored the requirements of the Endangered Species Act” by failing to consult with USFWS regarding the potential occurrence of the Madison Cave Isopod. (*See* Notice of Appeal, ¶ 2.c.) As explained above, however, consultation with USFWS was not required under § 7 of the Endangered Species Act because Mountaineer’s Route 9 Project did not involve federal agency action. Notwithstanding the fact that no consultation with USFWS was required, Mountaineer did, in fact, request the USFWS’s Endangered Species Act anyway. (See Mountaineer’s MTD Exhibit 2 - March 25, 2019 Letter from USFWS).

USFWS evaluated Mountaineer’s proposed avoidance and minimization measures regarding potential habitat for the Madison Cave Isopod and stated that “[b]ased on [Mountaineer’s] commitment to adhere to the above avoidance and minimization measures, the Service does not anticipate that the project is likely to adversely affect the [Madison Cave Isopod].” (*Id.* at p. 3).

The relief Appellant requests—consultation with USFWS and “protocol to ensure the safety of this endangered species (¶2.b)—has already occurred. Thus, even if he were correct regarding the applicability of the Endangered Species Act, Appellant’s second objection

regarding the Madison Cave Isopod would nevertheless fail to state a claim upon which additional relief could be granted.

ORDER

For these reasons, the Board hereby grants Mountaineer's Motion to Dismiss and/or Motion for Summary Judgment. This matter is dismissed from the Docket. The Clerk of the Board shall provide certified copies of this ORDER pursuant to W. Va. Code §22B-1-9 and W. Va. Code §29-A-5-4. The party seeking judicial review must file its appeal within 30 days after the date the party received notice of this ORDER.

ORDERED and ENTERED this 17th day of October, 2019.


for **Dr. Edward Snyder, Chairman**
Environmental Quality Board

News Release

west virginia



department of environmental protection

Contact: Casey Korbini, Communications Director

Email: Casey.E.Korbini@wv.gov

FOR IMMEDIATE RELEASE

WVDEP Approves Construction Stormwater Permit for Mountaineer Gas Route 9 Extension

The application proposed construction of approximately 4.8 miles of natural gas distribution line

CHARLESTON, W.Va. (April 4, 2019) – The West Virginia Department of Environmental Protection's (WVDEP) Division of Water and Waste Management has issued a State General Water Pollution Control Permit to regulate the discharge of stormwater runoff associated with construction activities for Mountaineer Gas Company's proposed Route 9 Extension in Berkeley and Jefferson Counties. Registration Application No. WVR311281 proposed construction of approximately 4.8 miles of natural gas distribution line and was approved on March 29, 2019.

The Division of Water and Waste Management reviewed the application and found that it met all requirements of the State General Water Pollution Control Permit regulating the discharge of stormwater runoff associated with oil and gas related construction activities. Accordingly, the WVDEP had no legal basis for denial of the application.

The limited amount of input received during the formal comment period, which closed on February 25, 2019, and the nature of those comments did not warrant rescheduling of the elective public hearing that was canceled.

For more WVDEP news and information, go to www.dep.wv.gov. Also, connect with the agency on all social media platforms. Follow [@DEPWV](https://twitter.com/DEPWV) on Twitter, Like us on Facebook at <https://www.facebook.com/depwv/>, and find us on YouTube by searching "[Environment Matters.](#)"

###

"Promoting a healthy environment"

ENVIRONMENTAL QUALITY BOARD

Ex. 6 Personal Privacy (PP)

Appellant,
v.

Appeal No. 19-07-EQB

**DIRECTOR, DIVISION OF WATER AND
WASTE MANAGEMENT, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Appellee,
and
MOUNTAINEER GAS COMPANY,
Intervenor/Appellee.

CERTIFICATE OF SERVICE

I hereby certify that I, Jackie D. Shultz, Clerk for the Environmental Quality Board, have this day, the 17th day of October, 2019, served a true copy of the foregoing **Order Granting Mountaineer Gas Company's Motion to Dismiss Appeal** by certified United States mail, postage pre-paid, or by personal service, to the following:

via certified United States mail:

Ex. 6 Personal Privacy (PP)

Harpers Ferry WV 25425

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

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Jackie D. Shultz, Clerk